

Attachment 3**RELATORS' PRIVILEGE LOG**

Document Information:				
Custodian	Doc Type	Date	Description	Privilege Basis*
FDL	Email	3/9/2018	Email regarding confidential source	C/S; AWP; A/C
FDL	Email	3/22/2018	Email from confidential source	C/S
WL	Email	2/2/2019	Email from confidential source	C/S
WL	Email	2/3/2019	Email string between WL and confidential source	C/S
WL	Email	2/5/2019	Email from confidential source	C/S
MCEA	Email	2/5/2019 to 2/11/2019	Email string between MCEA and a confidential source	C/S
MCEA	Email	2/19/2019	Email string between MCEA and a confidential source	C/S
WL	Email	4/3/2019	Email from confidential source	C/S
WL	Email	4/5/2019	Email string between WL and confidential source	C/S
MCEA	Email	4/8/2019	Email from confidential source	C/S
MCEA	Email	4/13/2019	Email from confidential source	C/S
WL	Email	4/14/2019	Email string between WL and confidential source	C/S
MCEA	Email	6/5/2019	Email string between Relators and a confidential source	C/S
WL	Email	6/10/2019	Email from confidential source	C/S
WL	Email	6/14/2019	Email string between WL and confidential source	C/S
MCEA	Email	6/17/2019	Email from confidential source	C/S
Relators	Memo	6/18/2019	RELATORS_0064143	C/S
WL	Email	6/19/2019	Email from confidential source	C/S
MCEA	Email	7/16/2019	Email string between MCEA and a confidential source	C/S
FDL	Email	7/25/2019	Email regarding confidential source	C/S; AWP; A/C
WL	Email	10/8/2019	Email from confidential source	C/S

* C/S = Confidential Source

*AWP = Attorney Work Product

* A/C = Attorney Client Priviledge

* S/I = Sovereign Immunity

Attachment 4**STATE OF MINNESOTA
IN COURT OF APPEALS**

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.

Case Nos.

A19-0112, A19-0118, A19-0124

DECLARATION OF SETH BICHLER

I, SETH BICHLER, in accordance with section 38.116 of the Minnesota Statutes and rule 15 of the Minnesota Rules of General Practice, declare as follows:

1. I am an attorney licensed in Minnesota, and I am employed by the Fond du Lac Band of Lake Superior Chippewa (“Fond du Lac”) as a staff attorney.
2. I have reviewed the papers and evidence submitted for WaterLegacy’s motion to transfer this matter to the District Court or alternatively for a stay (“Transfer Motion”). I believe the issues raised by the Transfer Motion directly impact Fond du Lac’s issues on appeal in the above-captioned matter due to procedural irregularities and Fond du Lac would therefore be severely prejudiced if this Court denies the Transfer Motion.
3. In joining WaterLegacy’s Transfer Motion, Fond du Lac does not raise any new issues or arguments, but rather requests transfer pursuant to Minn. Stat. § 14.68 for the reasons and on the record supplied by WaterLegacy and Jeffrey Fowley. I do not believe that Fond du Lac’s joinder will affect the submission and processing of the Transfer Motion.

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

Attachment 4

Dated: June 6, 2019

s/Seth Bichler
SETH BICHLER

Attachment 5



520 Lafayette Road North
St. Paul, MN 55155-4194

Information request form

Records Management

Doc Type: Information Request Form

Prior to submitting this form, please verify that the information you are requesting is not already available through the following Minnesota Pollution Control Agency (MPCA) online link: <https://www.pca.state.mn.us/environmental-data>.

Use this form with **Internet Explorer web browser** to request information from the MPCA. If you have questions, please contact the MPCA Records Management Intake/Triage staff at recordsmanagementintaketriage.pca@state.mn.us or call 651-757-2728 or 1-844-828-0942.

1. Please fill out one form for each Information Request. Up to 10 requests processed per day, per requestor.
2. Complete the form and click on the "Submit" button at bottom of form to place it into your email.
3. To ensure you are using the most updated request form, please go to the MPCA website for every new request.
4. You will receive an email response with the name of your file manager once your request is assigned, and then again when it is completed.

Requester information

(If a requester chooses not to give any identifying information, the MPCA will provide him/her with contact information so that he/she will be able to check on the status of his/her request. However, if the agency file manager handling the request has questions about it but is unable to contact the requester for clarification, this may result in a delay in processing the request.)

Date (mm/dd/yyyy): 03/26/2018

*Requester name: Paula Maccabee

*Phone number: (651) 646-8890

*Requester email address: pmaccabee@justchangelaw.com

*Organization name: WaterLegacy

*Organization or requester billing address: 1961 Selby Avenue, St. Paul, MN 55104
(Address, Street, City, State, Zip)

Site/Facility information

(If you are requesting information about a specific site or facility, all the fields marked with an asterisk(*) are **required** to be filled in before the form will submit. **If no site/facility** is associated with this request, then you may enter N/A. Please note that failure to include required information will delay your request and may increase your cost.)

*Site/Facility name: PolyMet NorthMet Project

Previous site/
facility name: NA

*Site address/location: NA

*City: Hoyt Lakes

*Zip code: 55732

*County: St. Louis

Program(s): water pollution, NPDES/SDS and 401 certification

*MPCA Preferred ID or Site ID from WIMN (e.g., leak #, permit #, haz waste #): _____

Current public notice item Yes No

*Area of interest (check one box only)

- Air quality (emission information, monitoring data, modeling, etc.)
- Land programs (solid waste, hazardous waste, and above and underground storage tanks)
- Water quality (assessment, monitoring, and watershed)
- Standards, rulemaking, policies, etc.

Information requested - Describe the information that you need (be as specific as you can):

Please provide all records since January 2015 pertaining to any of the following:

- 1) Comments, letters, emails, memos, meeting notes, phone conversation notes or any other records a) from the U.S. EPA; or b) pertaining to written or oral communications or phone or in-person meetings with the U.S. EPA regarding any proposed or draft NPDES/SDS permit for the PolyMet NorthMet Project; and
- 2) Comments, letters, emails, memos, meeting notes, phone conversation notes or any other records a) from the U.S. EPA; or b) pertaining to written or oral communications or phone or in-person meetings with the U.S. EPA regarding the cross-media mercury analysis, antidegradation analysis or any other aspect of the MPCA's proposed or draft recommendation for 401 certification of the PolyMet NorthMet Project.

Yes - I acknowledge and agree by submitting this **Information request form** that I may be subject to costs as per the current costs schedule. (The costs schedule can be found on the *Estimate for copy services form*. This form can be found on the MPCA Information Requests website at <https://www.pca.state.mn.us/about-mPCA/information-requests>.)
I also agree to pay all costs within 30 days of the invoice date.

Submit

Reset

Attachment 6

Message

From: onbase-qc.pca@state.mn.us [onbase-qc.pca@state.mn.us]
Sent: 3/29/2018 6:54:41 AM
To: PMACCABEE@JUSTCHANGELAW.COM
Subject: REQUEST WAS RECEIVED AND ASSIGNED

Your information request has been received. We have assigned a file manager to start gathering your information and work on your request. The current estimated time for completing an information request is 2 to 3 weeks. During times that we are experiencing large volumes of information requests your request may take longer to complete.

We are currently experiencing computer issues that may delay the processing of your request. We are working to resolve the matter as quickly as possible and we apologize for any inconvenience.

Your File Manager is RICHARDS, LEONARD

Please let us know if you have any questions.

Intake/Triage contact information:

Email:

RecordsManagementIntakeTriage.PCA@state.mn.us

Phone: 651-757-2728 or 1-844-828-0942

Thank you for contacting the MPCA,
Records Management

Attachment 7

Message

From: Richards, Leonard (MPCA) [leonard.richards@state.mn.us]
Sent: 3/28/2018 3:50:33 PM
To: Paula Maccabee [pmaccabee@justchangelaw.com]
Subject: RE: Data Practices Act Request - PolyMet NorthMet
Attachments: image001.jpg; ASSIGNED-Information Request Form - 3-28-2018.pdf

Hi Paula,

Your request has been forwarded onto the program staff, I'll contact you when ready.

Thanks,

Lenny Richards
Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road | St Paul, MN | 55155
Voice (651) 757-2667
leonard.richards@state.mn.us



Our mission is to protect and improve the environment and human health.

NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This email may be confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply back to the sender that you have received this message in error, then delete it. Thank you.

From: Paula Maccabee <pmaccabee@justchangelaw.com>
Sent: Monday, March 26, 2018 5:04 PM
To: MN_MPCA_Records Management Intake/Triage <RecordsManagementIntakeTriage.PCA@state.mn.us>
Cc: Richards, Leonard (MPCA) <leonard.richards@state.mn.us>
Subject: Data Practices Act Request - PolyMet NorthMet

Dear Lenny, MPCA Staff,

Attached please find a Data Practices Act request pertaining to the PolyMet NorthMet NPDES/SDS permit and 401 certification.

Please don't hesitate to call me if you have any questions regarding our request.

Best regards,
Paula

Paula Maccabee, Esq.
Advocacy Director/Counsel for WaterLegacy
1961 Selby Ave.
St. Paul MN 55104
phone: 651-646-8890
fax: 651-646-5754
mobile: 651-775-7128
email: pmaccabee@justchangelaw.com
email: paula@waterlegacy.org

Attachment 7

Attachment 8

Message

From: Paula Maccabee [pmaccabee@justchangelaw.com]
Sent: 12/12/2018 8:25:10 AM
To: Richards, Leonard (MPCA) [leonard.richards@state.mn.us]
Subject: Updated Data Practices Act Request PolyMet NorthMet
Attachments: 5A235792-8642-489C-AECF-216CA6E42DF4[13].jpg; NEW_WL_ Information Request Form_PolyMet Data_12-11-2018.pdf

Hi Lenny,

Attached, please find an updated Data Practices Act request pertaining to the PolyMet NorthMet project.

Please feel free to contact me if you have any questions regarding our request.

Thank you,
Paula

Paula Maccabee, Esq.
Advocacy Director/Counsel for WaterLegacy
1961 Selby Ave.
St. Paul MN 55104
phone: 651-646-8890
fax: 651-646-5754
mobile: 651-775-7128
email: pmaccabee@justchangelaw.com
email: paula@waterlegacy.org



Attachment 9

Message

From: Paula Maccabee [pmaccabee@justchangelaw.com]
Sent: 1/1/2019 8:26:22 AM
To: Richards, Leonard (MPCA) [leonard.richards@state.mn.us]
Subject: Re: Updated Data Practices Act Request PolyMet NorthMet
Attachments: 5A235792-8642-489C-AECF-216CA6E42DF4[13].jpg; NEW_WL_ Information Request Form_PolyMet Data_1-1-2019.pdf

Hi Lenny,

Please provide the information requested in the attached Data Practices Request. Given the current date, we would request documents through the end of December 2018.

Please do not hesitate to contact me if you have questions regarding this request.

Thank you,
Paula

From: Paula Maccabee <pmaccabee@justchangelaw.com>
Date: Wednesday, December 12, 2018 at 8:25 AM
To: "Richards, Leonard (MPCA)" <leonard.richards@state.mn.us>
Subject: Updated Data Practices Act Request PolyMet NorthMet

Hi Lenny,

Attached, please find an updated Data Practices Act request pertaining to the PolyMet NorthMet project.

Please feel free to contact me if you have any questions regarding our request.

Thank you,
Paula

Paula Maccabee, Esq.
Advocacy Director/Counsel for WaterLegacy
1961 Selby Ave.
St. Paul MN 55104
phone: 651-646-8890
fax: 651-646-5754
mobile: 651-775-7128
email: pmaccabee@justchangelaw.com
email: paula@waterlegacy.org



Attachment 10

Message

From: Richards, Leonard (MPCA) [leonard.richards@state.mn.us]
Sent: 1/7/2019 7:16:42 AM
To: Paula Maccabee [pmaccabee@justchangelaw.com]
Subject: RE: Updated Data Practices Act Request PolyMet NorthMet
Attachments: image001.jpg; image002.jpg; ASSIGNED-Information Request Form - 12-12-2018.pdf

Hi Paula,

You can access your requested information with this link. ftp://files.pca.state.mn.us/pub/file_requests/
Please choose the folder named "LR-R26373_010719_020719" and save locally for viewing.

Thank you,

Lenny Richards
Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road | St Paul, MN | 55155
Voice (651) 757-2667
leonard.richards@state.mn.us



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From: Paula Maccabee <pmaccabee@justchangelaw.com>
Sent: Tuesday, January 01, 2019 8:27 AM
To: Richards, Leonard (MPCA) <leonard.richards@state.mn.us>
Subject: Re: Updated Data Practices Act Request PolyMet NorthMet

Hi Lenny,

Please provide the information requested in the attached Data Practices Request. Given the current date, we would request documents through the end of December 2018.

Please do not hesitate to contact me if you have questions regarding this request.

Thank you,
Paula

From: Paula Maccabee <pmaccabee@justchangelaw.com>
Date: Wednesday, December 12, 2018 at 8:25 AM
To: "Richards, Leonard (MPCA)" <leonard.richards@state.mn.us>
Subject: Updated Data Practices Act Request PolyMet NorthMet

Hi Lenny,

Attached, please find an updated Data Practices Act request pertaining to the PolyMet NorthMet project.

Please feel free to contact me if you have any questions regarding our request.

Attachment 10

Thank you,
Paula

Paula Maccabee, Esq.
Advocacy Director/Counsel for WaterLegacy
1961 Selby Ave.
St. Paul MN 55104
phone: 651-646-8890
fax: 651-646-5754
mobile: 651-775-7128
email: pmaccabee@justchangelaw.com
email: paula@waterlegacy.org



Attachment 11



520 Lafayette Road North
St. Paul, MN 55155-4194

Information request form

Records Management

Doc Type: Information Request Form

Prior to submitting this form, please verify that the information you are requesting is not already available through the following Minnesota Pollution Control Agency (MPCA) online link: <https://www.pca.state.mn.us/environmental-data>.

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3. To ensure you are using the most updated request form, please go to the MPCA website for every new request.
4. You will receive an email response with the name of your file manager once your request is assigned, and then again when it is completed.

Requester information

(If a requester chooses not to give any identifying information, the MPCA will provide him/her with contact information so that he/she will be able to check on the status of his/her request. However, if the agency file manager handling the request has questions about it but is unable to contact the requester for clarification, this may result in a delay in processing the request.)

Date (mm/dd/yyyy): 12/12/2018

*Requester name: Paula Maccabee

*Phone number: (651) 646-8890

*Requester email address: pmaccabee@justchangelaw.com

*Organization name: WaterLegacy

*Organization or requester billing address: 1961 Selby Avenue, St. Paul, MN 55104
(Address, Street, City, State, Zip)

Site/Facility information

(If you are requesting information about a specific site or facility, all the fields marked with an asterisk(*) are **required** to be filled in before the form will submit. **If no site/facility** is associated with this request, then you may enter N/A. Please note that failure to include required information will delay your request and may increase your cost.)

*Site/Facility name: PolyMet NorthMet Project

Previous site/
facility name: NA

*Site address/location: NA

*City: Hoyt Lakes

*Zip code: 55732

*County: St. Louis

Program(s): water pollution, NPDES/SDS and 401 certification

*MPCA Preferred ID or Site ID from WIMN (e.g., leak #, permit #, haz waste #): _____

Current public notice item Yes No

*Area of interest (check one box only)

- Air quality (emission information, monitoring data, modeling, etc.)
- Land programs (solid waste, hazardous waste, and above and underground storage tanks)
- Water quality (assessment, monitoring, and watershed)
- Standards, rulemaking, policies, etc.

Information requested - Describe the information that you need (be as specific as you can):

Please provide all paper records, including but not limited to comments, letters, emails, memos, meeting notes, phone conversation notes, draft permits, draft certifications, presentations, monitoring data, or technical materials since WaterLegacy's most recent DPA requests this fall:

- 1) Any proposed or draft NPDES/SDS permit for the PolyMet NorthMet Project;
 - 2) Any proposed or draft Certification under Section 401 of the Clean Water Act pertaining to the PolyMet NorthMet Project;
 - 3) Any proposed or draft Minnesota Department of Natural Resources permits for the PolyMet NorthMet Project, including the Permit to Mine, Water Appropriation Permits, Wetlands Permit, and Dam Safety Permits; and
 - 2) Any information or analysis related to or pertaining to the PolyMet NorthMet Project of water quality issues, cross-media air emissions issues, degradation issues, wetlands impacts issues, or technology and designs to avoid, minimize or mitigate impacts to water quality or wetlands.
- WaterLegacy specifically requests that these documents along with any pertinent documents not provided in response to our 9-20-2018 and 10-14-2018 requests be provided immediately in electronic format or made available for inspection if no electronic copies exist.

Yes - I acknowledge and agree by submitting this Information request form that I may be subject to costs as per the current costs schedule. (The costs schedule can be found on the *Estimate for copy services form*. This form can be found on the MPCA Information Requests website at <https://www.pca.state.mn.us/about-mPCA/information-requests>.)
I also agree to pay all costs within 30 days of the invoice date.

Submit

Reset

Attachment 12



520 Lafayette Road North
St. Paul, MN 55155-4194

Information request form

Records Management

Doc Type: Information Request Form

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Requester information

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Date (mm/dd/yyyy): 12/12/2018

*Requester name: Paula Maccabee

*Phone number: (651) 646-8890

*Requester email address: pmaccabee@justchangelaw.com

*Organization name: WaterLegacy

*Organization or requester billing address: 1961 Selby Avenue, St. Paul, MN 55104
(Address, Street, City, State, Zip)

Site/Facility information

(If you are requesting information about a specific site or facility, all the fields marked with an asterisk(*) are **required** to be filled in before the form will submit. **If no site/facility** is associated with this request, then you may enter N/A. Please note that failure to include required information will delay your request and may increase your cost.)

*Site/Facility name: PolyMet NorthMet Project

Previous site/
facility name: NA

*Site address/location: NA

*City: Hoyt Lakes

*Zip code: 55732

*County: St. Louis

Program(s): water pollution, NPDES/SDS and 401 certification

*MPCA Preferred ID or Site ID from WIMN (e.g., leak #, permit #, haz waste #): _____

Current public notice item Yes No

*Area of interest (check one box only)

- Air quality (emission information, monitoring data, modeling, etc.)
- Land programs (solid waste, hazardous waste, and above and underground storage tanks)
- Water quality (assessment, monitoring, and watershed)
- Standards, rulemaking, policies, etc.

Information requested - Describe the information that you need (be as specific as you can):

Please provide all paper records, including but not limited to comments, letters, emails, memos, meeting notes, phone conversation notes, draft permits, draft certifications, presentations, monitoring data, or technical materials since WaterLegacy's most recent DPA requests this fall:

- 1) Any proposed or draft NPDES/SDS permit for the PolyMet NorthMet Project;
 - 2) Any proposed or draft Certification under Section 401 of the Clean Water Act pertaining to the PolyMet NorthMet Project;
 - 3) Any proposed or draft Minnesota Department of Natural Resources permits for the PolyMet NorthMet Project, including the Permit to Mine, Water Appropriation Permits, Wetlands Permit, and Dam Safety Permits; and
 - 2) Any information or analysis related to or pertaining to the PolyMet NorthMet Project of water quality issues, cross-media air emissions issues, degradation issues, wetlands impacts issues, or technology and designs to avoid, minimize or mitigate impacts to water quality or wetlands.
- WaterLegacy specifically requests that these documents along with any pertinent documents not provided in response to our 9-20-2018 and 10-14-2018 requests be provided immediately in electronic format or made available for inspection if no electronic copies exist.

Yes - I acknowledge and agree by submitting this Information request form that I may be subject to costs as per the current costs schedule. (The costs schedule can be found on the *Estimate for copy services form*. This form can be found on the MPCA Information Requests website at <https://www.pca.state.mn.us/about-mPCA/information-requests>.)
I also agree to pay all costs within 30 days of the invoice date.

Submit

Reset

Attachment 13



520 Lafayette Road North
St. Paul, MN 55155-4194

Information request form

Records Management

Doc Type: Information Request Form

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Requester information

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Date (mm/dd/yyyy): 02/03/2019

*Requester name: Paula Maccabee

*Phone number: (651) 646-8890

*Requester email address: pmaccabee@justchangelaw.com

*Organization name: WaterLegacy

*Organization or requester billing address: 1961 Selby Avenue, St. Paul, MN 55104
(Address, Street, City, State, Zip)

Site/Facility information

(If you are requesting information about a specific site or facility, all the fields marked with an asterisk(*) are **required** to be filled in before the form will submit. **If no site/facility** is associated with this request, then you may enter N/A. Please note that failure to include required information will delay your request and may increase your cost.)

*Site/Facility name: PolyMet NorthMet Project

Previous site/
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*Site address/location: NA

*City: Hoyt Lakes

*Zip code: 55732

*County: St. Louis

Program(s): water pollution, NPDES/SDS and 401 certification

*MPCA Preferred ID or Site ID from WIMN (e.g., leak #, permit #, haz waste #): _____

Current public notice item Yes No

*Area of interest (check one box only)

- Air quality (emission information, monitoring data, modeling, etc.)
- Land programs (solid waste, hazardous waste, and above and underground storage tanks)
- Water quality (assessment, monitoring, and watershed)
- Standards, rulemaking, policies, etc.

Information requested - Describe the information that you need (be as specific as you can):

Please provide all data including but not limited to comments; letters; emails; memos; notes of meetings, phone conversations and/or viewing of screen shots; or other data regardless of its physical form or storage media, not yet provided in response to WaterLegacy's September, October and December 2018 and January 2019 DPA requests, including data involving MPCA leadership or counsel, relating to the following:

- 1) Any comments or feedback provided by the U.S. EPA on the draft or pre-publication NPDES/SDS permit for the PolyMet NorthMet Project, specifically including but not limited to those read or shown by screen shot to MPCA in April 2018 or in the 45-day pre-publication review period;
- 2) Any communications with the U.S. EPA regarding Clean Water Act Section 401 Certification pertaining to the PolyMet NorthMet Project.

WaterLegacy specifically requests that these documents be provided immediately either in electronic format or made available for inspection if no electronic copies exist. If there is any assertion that these documents are exempt from disclosure, please state with specificity the asserted grounds for that exemption.

Yes - I acknowledge and agree by submitting this Information request form that I may be subject to costs as per the current costs schedule. (The costs schedule can be found on the *Estimate for copy services form*. This form can be found on the MPCA Information Requests website at <https://www.pca.state.mn.us/about-mPCA/information-requests>.)
I also agree to pay all costs within 30 days of the invoice date.

Submit

Reset

Attachment 14

Frequently Asked Questions
about Sulfide Mining in Minnesota:

A Mining Truth Report

Conservation Minnesota
Friends of the Boundary Waters Wilderness
Minnesota Center for Environmental Advocacy



May 2012

Attachment 14

Sulfide mining pollution would forever change Minnesota, including the Boundary Waters, Lake Superior and our economy. Know the truth about its impact and make your choice.

TABLE OF CONTENTS

- | | |
|--|---|
| <input type="checkbox"/> 1. What is Sulfide Mining?
page 3 | <input type="checkbox"/> 10. Who may benefit and who may
be at risk with these mines?
page 21 |
| <input type="checkbox"/> 2. Has it been done in Minnesota before?
page 3 | <input type="checkbox"/> 11. How are these mines approved or rejected?
page 22 |
| <input type="checkbox"/> 3. Is it safe?
page 4 | <input type="checkbox"/> 12. How soon might decisions
happen for these mines?
page 25 |
| <input type="checkbox"/> 4. What is the experience of other states and
countries with sulfide mining?
page 6 | <input type="checkbox"/> 13. If these mines are approved, what will
the changes be for northern Minnesota?
page 25 |
| <input type="checkbox"/> 5. Where is it being proposed in Minnesota?
page 9 | <input type="checkbox"/> 14. What have other states done to protect
themselves from sulfide mining pollution?
page 26 |
| <input type="checkbox"/> 6. Who are the mining companies
proposing sulfide mines in Minnesota?
page 11 | <input type="checkbox"/> 15. What can the federal government do to
address problems with this kind of mining?
page 28 |
| <input type="checkbox"/> 7. What are the mining proposals for Minnesota?
page 12 | <input type="checkbox"/> 16. What can I do?
page 29 |
| <input type="checkbox"/> 8. Are there new technologies that will
help these mines be safer?
page 14 | <input type="checkbox"/> 17. Where can I get more information?
page 30 |
| <input type="checkbox"/> 9. Will these mines provide needed jobs and an
economic boost for the region and the state?
page 17 | <input type="checkbox"/> References Cited
page 31 |

Attachment 15

EPA530-R-94-036
NTIS PB94-201829

TECHNICAL DOCUMENT

ACID MINE DRAINAGE PREDICTION

December 1994

U.S. Environmental Protection Agency
Office of Solid Waste
Special Waste Branch
401 M Street, SW
Washington, DC 20460



Attachment 15*Acid Mine Drainage Prediction*

DISCLAIMER AND ACKNOWLEDGEMENTS

This document was prepared by the U.S. Environmental Protection Agency (EPA). The mention of company or product names in this document is not to be considered an endorsement by the U.S. Government or by the EPA.

This technical document consists of a brief review of acid forming processes at mine sites, followed by a summary of the current methods used to predict acid formation, selected state regulatory requirements, and case histories. This report was distributed for review to the U.S. Department of the Interior's Bureau of Mines and Bureau of Land Management, the U.S. Department of Agriculture's Forest Service, the Interstate Mining Compact Commission, the American Mining Congress, the Mineral Policy Center, representatives of state agencies, and public interest groups. EPA is grateful to all individuals who took the time to review this technical document.

The use of the terms "extraction," "beneficiation," and "mineral processing" in this document is not intended to classify any waste stream for the purposes of regulatory interpretation or application. Rather, these terms are used in the context of common industry terminology.

Attachment 15*Acid Mine Drainage Prediction***TABLE OF CONTENTS**

	<u>Page</u>
1. INTRODUCTION	1
1.1 Oxidation of Metal Sulfides	4
1.2 Source of Acid and Contributing Factors	5
2. ACID GENERATION PREDICTION	9
2.1 Sampling	11
2.2 Static Tests	13
2.2.1 Acid-Base Accounting (ABA)	16
2.2.2 Modified Acid Base Accounting	16
2.2.3 British Columbia Research Initial Test (BC)	17
2.2.4 Alkaline Production Potential : Sulfur Ratio (APP:S)	17
2.2.5 Net Acid Production Test	17
2.3 Kinetic Tests	18
2.3.1 Humidity Cell Tests	18
2.3.2 Soxhlet Extraction Tests	19
2.3.3 Column Tests	21
2.3.4 British Columbia Research Confirmation Test	21
2.3.5 Batch Reactor (Shake Flask) Tests	22
2.3.6 Field Scale Test	22
2.4 Application of Test Results in Prediction Analysis	23
2.4.1 Some Experience With Static and Kinetic Tests	24
2.5 Mathematical Modeling of Acid Generation Potential	25
2.5.1 Overview of Existing Models	25
2.5.2 Empirical Models	26
2.5.3 Deterministic Models	27
2.6 Conclusions	28
3. CURRENT REGULATORY REQUIREMENTS	28
4. CASE HISTORIES	32
4.1 Newmont Rain Facility, Elko County, NV	33
4.1.1 Introduction	33
4.1.2 Waste Rock	33
4.1.3 Acid Generation Prediction	34
4.1.4 Treatment	34
4.2 Cyprus Thompson Creek, Challis, ID	35
4.2.1 Introduction	35
4.2.2 Waste Rock	36
4.2.3 Acid Generation Prediction	36
4.2.4 Tailings	37
4.2.5 Acid Generation Prediction	37
4.2.6 Treatment	37
4.3 LTV Steel Mining Company, The Dunka Site, Minnesota	38
4.3.1 Introduction	38
4.3.2 The Acid-Generating Duluth Complex	39

Attachment 15*Acid Mine Drainage Prediction*

4.3.3	Acid Rock Drainage Prediction Methods	39
4.3.4	Environmental Risks	40
4.3.5	Treatment	40
4.4	California Gulch	40
4.5	Clear Creek/Central City	41
4.6	Iron Mountain Mine	42
4.7	Silver Bow Creek/Butte Area Site	42
5.	REFERENCES	44

LIST OF TABLES

	<u>Page</u>	
Table 1.	Comparison of Acid Rock Drainage Factors In Waste Rock Piles and Tailings Impoundments	3
Table 2.	Partial List of Sulfide Minerals	4
Table 3.	Sulfide Ore Bacteria and Their Growth Conditions	5
Table 4.	Sources of Information on Acid Generation Potential for New and Operating Mines	10
Table 5.	Summary of Static Test Methods, Costs, Advantages, and Disadvantages	15
Table 6.	Summary of Some Kinetic Test Methods, Costs, Advantages, and Disadvantages	20
Table 7.	Summary of State Regulations for Acid Generation Prediction Testing (August 1994)	29

Attachment 16

MPCA Air Dispersion Modeling Practices Manual



Attachment 16

Minnesota Pollution Control Agency Air Dispersion Modeling Practices Manual

Risk Evaluation & Air Modeling Unit

Air Assessment Section

Environmental Analysis and Outcomes Division

Minnesota Pollution Control Agency

Saint Paul, Minnesota

2017

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Attachment 16**Contents**

Contents.....	ii
Figures.....	iii
Tables.....	iii
Acronyms	iv
Document summary.....	1
Section 1.0: Applicable air quality standards	3
Section 2.0: When to model	6
2.1 MPCA programs supported by dispersion modeling.....	6
Section 3.0: How to model.....	10
3.1 Modeling basics	10
3.2 Meteorology	12
3.3 Terrain data	13
3.4 Buildings and structures	13
3.5 Source characterization and location.....	16
3.6 Receptor placement and ambient air	22
3.7 General modeling schema	26
3.8 Source impact analysis (SIA) modeling	28
3.9 Cumulative Impact Analysis (CIA).....	28
3.10 Running and completing the Cumulative Impact Analysis.....	39
3.11 Evaluating the CIA modeling demonstration results	39
3.12 Pollutant considerations	40
3.13 PSD specific considerations	46
3.14 Model development details	49
Section 4.0: Submittal process, forms, and online services.....	52
4.1 Submittal process:.....	52
4.2 Modeling protocol forms	52
4.3 Modeling results	55
4.4 EBD for criteria pollutant modeling.....	55
4.5 Minnesota Pollution Control Agency review forms	56
4.6 Additional e-Service attachments	56
Section 5.0: Contacts and resources.....	58
5.1 Contacts and resources.....	58
5.2 Air Permitting, SIP, and Environmental Review Modeling	58

Attachment 16

Appendices.....	59
Appendix A – Cumulative Air Modeling Analysis and source culpability	59
Appendix B – Class I guidance.....	59
Appendix C – Intermittent emissions and the temperature heat index.....	59
Appendix D – Ambient air and modeling.....	59
Appendix E – Equivalent or better dispersion example	59

Figures

Figure 1. Building layout	15
Figure 2: Example of tiered building settings in AERMOD.....	15
Figure 3. Two stage MPCA air quality dispersion modeling practice for new or modifying sources that model the NAAQS, Increment, or the MAAQS (after Appendix W Section 9.2.3).....	27
Figure 4. Example increment emission input file (portion)	32
Figure 5. "Triple Helix" relationship between nearby sources, background concentration and size of the nearby source inventory.....	33

Tables

Table 1. NAAQS, PSD increments, and significant impact levels in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).....	3
Table 2. MAAQS (Minn. R. 7009.0080)	4
Table 3. Overview of the four administrative programs that include dispersion modeling	6
Table 4. PSD significant emission rates (SERs).....	7
Table 5. Screening input assumptions for the NAAQS Notes project.....	8
Table 6. Point source input parameters	17
Table 7. Volume source input parameters	18
Table 8. Area source input parameters (area surface, area poly, area line, area circle	19
Table 9. Flare source input parameters.....	20
Table 10. Open pit sources.....	21
Table 11. Ambient air receptor locations for NAAQS analysis under the Title V, Federal PSD, or SIP modeling demonstrations.	24
Table 12. Ambient air receptor locations for MAAQS modeling purposes.....	25
Table 13: Monitor value used for design value calculation	41
Table 14: Receptor with the Highest Sixth-Highest 24-Hour concentration.....	42
Table 15: Highest values from the chosen background monitor (360 readings in the most recent three-year period).....	42
Table 16 – Tiered demonstration for secondary formation of $\text{PM}_{2.5}$ and O_3	43
Table 17. Conservative MERPs for secondary air pollutant formation based on EPA modeling	44
Table 18. PSD significance screening thresholds for project emission increases.....	44
Table 19. The 2011 NLCD land-use classification system	50
Table 20: Required forms for project submittals.....	53

Attachment 17

***Stationary and Mobile Source Emission
Calculations for the NorthMet Project –
Combined Report (RS57)***

PolyMet Mining Inc

November 2008

Attachment 17

Stationary and Mobile Source Emission Calculations for the NorthMet Project – Combined Report (RS57)

PolyMet Mining Inc

November 2008



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Attachment 17

Preface

At the time of the development of the original Detailed Project Description for the NorthMet project and the RS documents submitted to provide details on specific aspects of the project related to air quality, the proposed air permitting approach for the project was to obtain separate permits for the Plant Site (Process Plant, Area 1 Shop, Area 2 Shop, Tailings Basin) and the Mine Site. This was reflected in the layout of the RS documents. Specifically, two separate reports were submitted to provide updated emission calculations in February of 2007. These reports were identified as RS57A and RS57B.

When the Supplemental Project Description was submitted in July of 2007, it had been decided to permit the project as one stationary source. Because of the changes in the project documented in the Supplemental Project Description, and to incorporate comments received at that time, it was necessary to submit another update to the emission calculations. Because the project will be treated as one facility for the purposes of issuing an air emission permit, it is desirable to include all of the emission calculations in one volume. On the other hand, to manage the level of additional effort required, and to make the review easier for those who are already familiar with RS57A and RS57B, the Plant Site and Mine Site emission calculations were kept in separate self contained report sections, but the two reports were submitted under one cover.

An additional section also was prepared: RS57C. The purpose of this section was to discuss the applicability of Prevention of Significant Deterioration (PSD) regulations and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) of 40 CFR Part 63. The Part 63 NESHAPS are commonly referred to as the MACT (Maximum Achievable Control Technology) standards. The applicability of these regulations will be determined based on the emissions from the combined facility, so this section discusses emissions from both the Plant Site and Mine Site.

Due to the changes that have occurred in the emission calculation spreadsheets, the Minnesota Department of Natural Resources (MDNR), the Responsible Governmental Unit (RGU) for the NorthMet Project EIS, has requested that another updated version of the complete RS57 report be submitted. This updated report is intended to aid those reviewing the complete Preliminary Draft EIS (PDEIS) by providing the latest version all relevant emission calculations in a single report. Because the emissions from mining vehicles and locomotives have been considered in air dispersion modeling, the calculations for these sources are also included in this report in a new section identified as RS57D. The title of the overall report has been modified to reflect this addition.

Attachment 17

As part of the EIS preparation process, alternatives to the proposed project and potential mitigation measures are being evaluated. Calculations were performed to assess the changes in air emissions associated with one alternative (Reasonable Alternative RA1 - no long term water treatment option at Mine Site) and one proposed mitigation measure (Tailings Basin Geotechnical Mitigation - use of LTVSMC tailings to build tailings basin dams). These calculations are included in this report in the RS57E Section.

Each section of this combined report uses its own set of page numbers, report section numbers, table numbers and figure numbers and has its own cover sheet and table of contents.