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February 7, 2020

The Honorable John H. Guthmann
 Ramsey County District Court
 1470 Ramsey County Courthouse
 15 Kellogg Boulevard West
 St. Paul, MN 55102

Re: Ramsey County Court File No. 62-CV-19-4626

Dear Judge Guthmann:

On behalf of the Minnesota Pollution Control Agency (“MPCA”) and pursuant to Footnotes 9-10 of the stipulations filed today, we write to clarify an issue regarding the Parties’ stipulations as to which exhibits are in the Administrative Record and DPA responses. For a number of exhibits, the Parties stipulated to footnotes clarifying where the DPA responses contain a document that is similar, but not identical, to the exhibit. *See* Footnotes 3-6, 8. In addition, for one exhibit (Exhibit 303) where the Administrative Record contains part, but not all, of the email chain contained in the exhibit, the Parties stipulated to the admission of the partial email chain in the Administrative Record as Exhibit 303A. *See* Footnote 3.

Exhibits 228 (attached) and 230¹ pose a very similar issue. Regarding Exhibit 228, part of the email chain is contained in the Administrative Record at WATER_0040784-75. MPCA requested that the Parties stipulate to the admission of Exhibit 228A (attached) with a footnote stating as follows: “A portion of the email chain in Exhibit 228 is in the Administrative Record at WATER_0040784-85. The parties stipulate to the admission of WATER_0040784-85 as Exhibit 228A. The differences between Exhibits 228 and 228A are apparent on the face of the exhibits.” Relators refused to agree to this stipulation without providing any explanation why.

Regarding Exhibit 230, the Administrative Record contains a similar document at WATER_0040786-0040893. MPCA requested that the Parties stipulate to the admission of Exhibit 230A² along with a footnote stating as follows: “A related version of Exhibit 230 is in the Administrative Record at WATER_0040786-0040893. The parties stipulate to the admission of WATER_0040786-0040893 as Exhibit 230A. The differences between Exhibits 230 and

¹ Exhibit 230 is not attached due to electronic size restrictions, but it has already been received into evidence.

² Exhibit 230A is not attached to the e-filing due to electronic size restrictions, but it is being sent to the Court and all attorneys of record via email.



February 7, 2020
Page 2

230A are apparent on the face of the exhibits.” Relators also refused to agree to this stipulation without providing any explanation why.

MPCA simply wants the record for this proceeding to reflect the fact that the Administrative Record contains documents that are similar to Exhibits 228 and 230. This is entirely consistent with the remainder of the Parties’ stipulated footnotes and stipulated admission of Exhibit 303A. For this reason, MPCA respectfully requests that the Court accept into evidence Exhibits 228A and 230A, both of which are in the Administrative Record and are related to Exhibits 228 and 230. PolyMet does not oppose this request. Relators have stated that they intend to oppose this request.

Sincerely,

/s/ John C. Martin

John C. Martin
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cc: All Attorneys of Record