

Exhibit N

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2018-04-05

Udd, Rchard, Steph, Ackerman, Krista, Pierard, Candice, Barbara

KP: We were prepared to send comments, they were crafted to be able to ID objectionable items. Have some objection issues, some recommendations.

#	Issue	Solution	Cites
1	No WQBELs except pH, or conditions to impose WQS. Does include TBELs being higher than WQS.	WQBELs imposed for Hg, Cu, Cd, As, Zn	402(b), 122.4(d), 122.44, 123.44(c)(1), 123.44(c)(8) and (9)
2	Lacks clear narrative effluent limits – no unqualified prohibition on discharge causing WQS excursion.	Establish WQBELs, remove qualifying language.	6.16.4
3	Record doesn't show consideration of all pollutants in the application. Without WQBELs, there is no assurance of meeting WQS.	Include the WQBELs at SD001.	
4	RPA relies on data in the application being maxes, without accounting for uncertainty/variability. Alternative statistical procedures for PEQ (GLI). Addendum to the MOA for GLI – MN committed to meet 132 Appx F, Procedure 5, ¶(B)(2)	Follow GLI procedures for PEQ.	40 C.F.R. § 132 Appx F, procedure 5, ¶(B)(2)
5	Decision on WQBELs relies on operating limits at WS074. Limits are set at low values, but there is no basis to conclude all WQS for parameters in the application would be met. Especially for Hg – pilot study didn't address Hg.		FS pp. 34-37
6	No SO4/Cu addition after WS074, but no prohibition later – mineral addition – for aluminum. Available lime contains aluminum, could exceed WQS. WET should include WET limits after mineral addition.	Include WQBEL for Al and WET after mineral addition.	
7	Insufficient info on downstream waters. Downstream exceed for Hg now. Effectiveness of treatment is unknown.	Overall, MPCA should include WQBELs for parameters in the application with WQS.	402(b)(5)

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8	ELGs: Doesn't include violation restrictions under 440. Carryover acts as a credit.	Set numeric flow limit consistent with §104. Include effluent limits in 440.12, 440. Subp. A for iron ore for legacy pollutants.	40 CFR 440 subparts G, J, K. 440.104(b)(2)(i). 440.12 (iron ore).
9	As written, permit precludes enforcement – permit shield		402(k)
10	Operating limits may not be enforceable by EPA, citizens, MPCA. Internal operating limit based on voluntary commitment.	Ensure all NPDES conditions are enforceable under the CWA.	
11	Transfer CE permit and CD to PM affiliate. Arrangement could be the same permittee holding multiple permits. Unclear who is responsible, confuses enforcement requirements. Speculation of the attenuation. FS acknowledges seep discharge. Draft permit should assign responsibility. Permit could list known seeps, maps, relation to containment. Should have monitoring and limits. Could include interim limits and authorization until contained.	Move the CE permit into Northmet permit.	FS at 17.
12	General permit for CSW: Individual and supporting documents don't say what is excluded. It would include 900 acres of wetlands – there is significant Hg there. MPCA addresses Hg in peat mining, but not here. Hg is unregulated. ID that this is covered under CSW, evaluate RP for Hg. If RP exists, GP coverage is not appropriate.	Conduct RP analysis for Hg in stormwater; possibly cover in individual permit.	
13	6.10.17: No discharge from mine site – unclear how this is assured. Must monitor to ensure compliance.	Fix at 6.10.17, 6.10.26, 6.10.78, 3.11.2, 6.11.9, 6.12.2, 6.15.11	122.44(i)
14	Decision-making procedures: Plans/reports are de facto permit mods. Likely to be major. Permit allows mod without public process; mods may be unenforceable.	Require immediate CAs, using enforcement action, then modify permit.	6.10.38, other locations in permit.
15	BOD, pH, TSS, FC, etc. – limits at sewage stabilization pond – WS009, SD001. No RP discussion about this.	Reporting requirements – weekly observations	
16	WWTS discharge distribution – unclear on flows.		6.10.1-6.10.9
17	Controlled discharge of stabilization ponds – how is		Permit at 11

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	this enforceable?		
18	6.10.12 doesn't allow cells to be combined until system is "fully operating" – define that term.		6.10.12
19	6.10.27 – paired wells. Where established, reference numbers. If not established, put in monitoring table.		6.10.27
20	6.10.26: Discharge to surface from FTB is prohibited. Unclear how implemented. Recommend clarifying.		
21	6.10.49 – sample at 003, 006, 009, 027: after initial operations. Should sample upon issuance for baseline data.		
22	6.11.11: PCBs. Work with permittee; if no PCBs, have them certify that. If present, monitor for them to verify prohibition.		
23	Cite authority (federal and state) for which discharge is allowed		
24	References to permit application – point to where, not just a volume.		
25	6.10.21: pre-approve mitigation – link to where that is located.		
26	Maps are unclear. Reference where higher-res is viewable.		