

# Exhibit O

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EPA Meeting  
2018-09-25

Stephanie Handeland, Brian Schweiss, Scott Kyser, Richard Clark, Jeff Udd, Jeff Smith, Kevin Pierard, Don Richards (Barr), Candice Bauer, Barbara Wester, Mark Ackerman, Krista McKim, Brad Moore, Christie Kearney, Dennis Donohue (Warner Norcross for PM)

KP: Mercury questions

- SJK: overview of RP analysis
- KM: Comparing to municipal, you have no experience with this type of facility/mine before
- SJK: we have experience with membrane treatment, based decision on that
- KM: other mines have Hg WQBELs – Back 40, Eagle, others
  - We should find these and compare
  - Michigan looked at parameters in the water and assigned limits
- DD: Eagle has a groundwater discharge permit with surface water WQBELs, so that isn't apples-to-apples
- KM: can have issues with scale up, maintenance
- KP: Locking in the approach of construction/design is different from the standard approach
- RC: Environmental review also defines what must be done
- DD: Humboldt mine not the same, was not originally planned for RO as the primary treatment, just as a backup

EPA: Approach should be to put in the limits, then take them out once you have data

- BW: Don't see the anti-backsliding exceptions so narrowly
- EPA believes that you could remove the limits later
- MPCA asked for examples, EPA couldn't identify any, Mark said there were Ohio power plants
  - We should find these, or ask EPA for them.
  - Does EPA have any cases where their interpretation of anti-backsliding was successful?

Enforceability of the permit

- KM: for adaptive management, unclear whether the problem is corrected
  - RC: can discuss tomorrow
- 6.10.16-18: inspections for unauthorized discharge
- RC: How does EPA envision the corrective actions if there is a problem?
- KM: want to make sure the adaptive management actions do correct the problem
- RC: comprehensive evaluation report should address this; not sure if it's clear.
- MA: 6.10.74: makes unclear exactly what the permit is – what is incorporated?

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- SH: this is where we added the 7001 language; will evaluate for permit modification

KP: Permit shield if exceeding the OLS or any other parameter

- Most conservative assumption is to use the application itself, where it says the discharge will be at the WQS

BW: There is no general narrative prohibition against violating WQS

- This means that there is no way to enforce, the shield is in place
- BM: (I have no problem with adding that)
- KM: Closest was in the TFR relating to toxics, 6.16.4
  - Could remove qualifying language from that, that would improve it

CSW GP coverage

- RC: treats it the same for Hg as in the EPA CSW permit
- No Hg monitoring in the CSW permit
- OSLA drainage is captured, goes to the FTB
- KM: What is the scope of the CSW permit? Talk to Findorff, delineate coverage of each permit more explicitly and give that to EPA

Legacy – explanations

2018-09-26

Shannon Lotthammer, Stephanie Handeland, Mark Ackerman, Barbara Wester, Krista McKim, Kevin Pierard, Candice Bauer, Linda Holst, Jeff Smith, Jeff Udd, Richard Clark, MS

WQBEL

- EPA: Specific reopener language if RP is found?
  - MPCA: we could ID where this would go and consider putting it in
- BW: there is still the shield issue, even for citizens
  - MS: disagree with the interpretation on 505, covered by 505(g)(6); also MERA
  - BW: is there a permit shield for MERA?
- SL: do we need to get into this if we have the narrative statement? Seems like the narrative would give federal enforceability
  - BW: Narrative statement prohibiting WQS violation would go a long way
- EPA: Changes during construction also need evaluation for permit modification
- KP: On-site presence/staffing?
  - RC: Will work with DNR; they are also evaluating

KP: Operating limits for additional parameters? Those that have influent higher than WQS

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- CB: As, Co, Cu, Pb, Ni, hardness, SO4
  - And Hg
- KP: Adding those would go a long way without doing WQBELs

KM: unauthorized discharge from mine site – what does it say?

- RC: made consistent in saying “no direct discharge” every time
- KM does not like the “direct” in there

440.104

- EPA suggests including the Red Dog approach as a limit, can keep the carryover year if we want
- RC: can't get anywhere close to the limit
- KP: This way there is a clear limit, and people can measure against it.
- CB: Otherwise you have to evaluate after the fact, and wait until after they violate to add up the totals

KP: Adaptive management – concern is that it be proactive, otherwise it looks like violation response and should have enforcement document

- EPA likes the avoidance of violation approach, but not having the enforcement/corrective actions built in
- We can discuss this on a future call

CSW and Hg release: General permit doesn't require monitoring.

- KP: What would be done to show compliance? Could it be in the 401 cert?
  - JU: Mostly particle-bound, so TSS controls this
  - KP: Basins (and sizing) affect Hg. Would need settling basins, monitor at discharge of basin. Could need a series of basins.
- JU: Hg is with solids, BMPs are for TSS, so this should cover it
- KP: include in 401
- BW: Address this in the 401. FDL is very concerned about this. If the certification addresses it, EPA is in a better position for no 401(a)(2).
- MPCA will evaluate and address, then tell EPA where we end up
  - Udd will call KP and Peter Swenson
  - We need to get more clarity on this internally – what is actually being treated as CSW? Isn't everything going to the OSLA, which has the runoff captured? Is there something in the interim that isn't captured?

Legacy

- When is the CE permit terminated?
  - RC: ~18 mo after operations begin