

Exhibit A-1

Subject: Meet-and-confer MPCA Privilege Log Documents (PolyMet Case 62-CV-19-4626)
Date: Thursday, December 19, 2019 at 10:45:53 AM Central Standard Time
From: Paula Maccabee
To: John C. Martin, Richard Schwartz
CC: Vanessa Ray-Hodge, Evan Nelson, Matt Murdock, Elise Larson, Sean Copeland
Attachments: Exhibit 3 Log_Relators' Preliminary Classification (Dec. 19, 2019).xlsx, Forensic Search Log_Relators' Preliminary Classification (Dec. 19, 2019).xlsx

John:

Relators welcome the opportunity to meet-and-confer to resolve as many issues as we can pertaining to documents for which MPCA has claimed privilege prior to submitting these issues to the Court.

Please inform Relators by 3:00 pm Friday by privilege log number which additional documents MPCA agrees to produce and by what date and which documents MPCA agrees should be submitted to the Court for in camera review.

Duplicates

It appears from the dates, authors and descriptions of the documents on the attached privilege logs that there may be documents listed more than once on the same log and duplicates between the logs. Please identify if privilege log numbers pertain to multiple copies of the identical document.

Exhibit 3 Privilege Log

Relators have previously discussed the 41 documents on the attached privilege log, which were provided to the Court as Exhibit 3 to our December 12, 2019 letter. As we have previously explained, Relators' believe that these documents cannot be withheld on the basis of attorney client privilege, including, in many instances because the privilege has been waived.

Relators request production of the documents numbered as follows:

308
949-73
1114
1117-18
1162
1168-70
1247
1249

Relators will request that the Court review the following documents on the Exhibit 3 list in camera:

301
1115
1163
1166
1171-72
1250

Forensic Search Privilege Log

Relators request that MPCA produce all documents in the following categories: 1) no attorney as

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either author or recipient; 2) attorney as string recipient for communication; 3) communication provided to third party. These documents are identified as follows:

No attorney (Supp-)

90
108
120
126-27
129
130
167
181
209
211
217
218
230
240
243

String recipient (Supp-)

75
80
82
86
89
101
102
104
106
110
114-19
124
131
133-35
144
146-64
166
170-71
175
177-78
182-83
185
187
190-92
legal
212
214-16
220
225
227-29

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231
233
238

Third party (Supp-)

132
136-43
145
163
172-74
176
179-80
184
186

The following documents lack indicia of attorney-client privilege or attorney work product prepared in anticipation of litigation. Relators request that these documents be produced or privilege substantiated by date created, author and the nature of legal advice or work product concerning the litigation to which the document pertains.

No indicia (Supp-)

165
169
181
188-89
194
207
210
213
221
224
226
232
234-37
239
241
244
247-48
250

Relators intend to request that the following documents on the Forensic Search privilege log be reviewed by the Court in camera (Supp-):

84-85
91
122-23
128
196
206
222-23
242
245-46

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249

Relators reserve the right to raise different and additional legal arguments related to MPCA's privilege logs in our memorandum that will be submitted to the Court on December 23, 2019.

Please note that although Relators have reviewed and identified documents on MPCA's current Forensic Search privilege log, Relators' do not believe that these documents fulfill the Court's order. Rather Relators have identified issues with listing these documents in a privilege log in order to resolve as many issues with these documents now as we can. We believe the new forensic search ordered by the Court will catch these documents again, and understand that the documents must still be produced in accordance with the Court's order once a new forensic search is done.

Thank you for your response by 3:00 pm on Friday, December 20 informing Relators which documents MPCA agrees to release and which documents MPCA agrees to submit for the Court's in camera review.

Thank you also for identifying any complete and exact duplicate listings of the same documents on MPCA's Exhibit 3 and Forensic Search privilege logs.

Sincerely,

Paula G. Maccabee
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St. Paul MN 55104
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fax: 651-646-5754
mobile: 651-775-7128
email: pmaccabee@justchangelaw.com

Attorney for WaterLegacy

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EXHIBIT 3 FROM MPCA'S NOVEMBER 26, 2019 PRIVILEGE LOG
RELATORS' PRELIMINARY CLASSIFICATION (DEC. 19, 2019)

Doc No.	Date	Author	Recipient(s)	File Type	Description	Privilege Claim	Relief Requested*	
39	3/17/2017	Scott Kyser (MPCA) Michael R Schmidt (MPCA)		PDF	Attorney client privileged communication to receive legal advice	Attorney Client Communication Attorney Work Product	In camera	
301	DOCUMENT PRODUCED PER AGREEMENT (11/20/2019); RE-PRODUCED 12/10/2019 - MPCA(62-cv-19-4626)_020521							In camera
308	6/4/2018	Stephanie Handeland (MPCA)	Michael R. Schmidt Jeff Udd Richard Clark	PDF	Communication between MPCA personnel and Michael Schmidt to receive legal advice;	Attorney Client Communication Attorney Work Product	Produce	
597	5/19/2016	Michael Schmidt		Word Doc	Michael Schmidt Work Product	Attorney Client Communication		
949	7/12/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Word Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product	Attorney Client Communication Attorney Work Product	Produce	
950	7/12/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Word Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product	Attorney Client Communication Attorney Work Product	Produce	
951	7/12/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Word Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product	Attorney Client Communication Attorney Work Product	Produce	
952	6/4/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Word Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product	Attorney Client Communication Attorney Work Product	Produce	
953	7/16/2018	Michael R Schmidt (MPCA)		Word Doc	Michael Schmidt attorney work product	Attorney Client Communication Attorney Work Product	In camera	
954	6/4/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Word Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
955	6/4/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Word Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
956	6/4/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael Schmidt		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
957	6/8/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
958	7/12/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael Schmidt		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
959	6/1/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
960	6/28/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
961	6/4/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
962	6/28/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
963	7/2/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael Schmidt		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
964	6/18/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
965	7/12/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
966	7/12/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
967	7/12/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
968	6/1/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
969	6/4/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
970	6/8/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	
971	6/28/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product.	Attorney Client Communication Attorney Work Product	Produce	

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972	7/17/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product	Attorney Client Communication Attorney Work Product	Produce
973	6/1/2018	Richard Clark (MPCA); Stephanie Handeland (MPCA); Michael R Schmidt (MPCA)		Excel Doc	Work product created at request of counsel, Michael Schmidt attorney-client communications and work product	Attorney Client Communication Attorney Work Product	Produce
1114	12/11/2018	Jeff Udd (MPCA)	Shannon Lotthammer (MPCA)	Email	Forwarding attorney communication from Michael Schmidt and Michael Schmidt Work Product	Attorney Client Communication Attorney Work Product	Produce
1115	12/11/2018	Michael R. Schmidt (MPCA)		Email Attachment - Word Doc	Attorney Attorney Work Product regarding permit appeal	Attorney Client Communication Attorney Work Product	In camera
1117	6/6/2018	Jeff Udd (MPCA)	Shannon Lotthammer (MPCA) Michael R. Schmidt (MPCA)	Email	Attorney communication with agency personnel	Attorney Client Communication Attorney Work Product	Produce
1118	6/6/2018	Jeff Udd (MPCA)		Email Attachment - Word Doc	Work product created at request of counsel and to receive legal advice	Attorney Client Communication Attorney Work Product	Produce
1162	12/11/2018	Jeff Udd (MPCA)	Shannon Lotthammer (MPCA)	Email	Forwarding attorney communication and Attorney Work Product	Attorney Client Communication Attorney Work Product	Produce
1163	12/11/2018	Michael R. Schmidt (MPCA)		Email Attachment - PDF	Forwarding attorney communication and Attorney Work Product	Attorney Client Communication Attorney Work Product	In camera
1166	5/31/2018	Michael R. Schmidt (MPCA)	Shannon Lotthammer (MPCA)	Email Attachment - PDF	Attorney communication with agency personnel	Attorney Client Communication Attorney Work Product	In camera
1168	11/9/2018	Melissa Kuskie (MPCA)	Michelle Beeman (MPCA) Bill Sierks (MPCA) Shannon Lotthammer (MPCA) Adonis Neblett (MPCA) CoriAhna Rude-Young (MPCA) Jeff J Smith(MPCA) Jeff Stollenwerk (MPCA)]	Email	Communication from agency personnel to attorney	Attorney Client Communication Attorney Work Product	Produce
1169	8/16/2018	Jeff J Smith(MPCA)	Adonis Neblett (MPCA) Melissa Kuskie (MPCA) Michelle Beeman (MPCA) Jeff Stollenwerk (MPCA) Bill Sierks (MPCA) Shannon Lotthammer (MPCA) John Stine (MPCA)	Email Attachment - PDF	Communication from agency personnel to attorney	Attorney Client Communication	Produce
1170	8/16/2018	Michelle Beeman (MPCA)	Jeff J Smith(MPCA) Jeff Stollenwerk (MPCA) Melissa Kuskie (MPCA) Bill Sierks (MPCA) Shannon Lotthammer (MPCA) Adonis Neblett (MPCA) John Stine (MPCA)	Email Attachment - Word Doc	Attorney communication with agency personnel	Attorney Client Communication Attorney Work Product	Produce
1171	8/16/2018	Adonis Neblett (MPCA)		Email Attachment - PDF	Attorney communication with agency personnel and work product	Attorney Client Communication Attorney Work Product	In camera
1172	8/16/2018	Adonis Neblett (MPCA)		Email Attachment - PDF	Attorney communication with agency personnel and work product	Attorney Client Communication Attorney Work Product	In camera
1247	11/9/2018	Melissa Kuskie (MPCA)	Michelle Beeman (MPCA) Bill Sierks (MPCA) Shannon Lotthammer (MPCA) Adonis Neblett (MPCA) CoriAhna Rude-Young (MPCA) Jeff J Smith(MPCA) Jeff Stollenwerk (MPCA)]	Email	Communication from agency personnel to attorney	Attorney Client Communication Attorney Work Product	Produce

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1249	8/16/2018	Jeff J Smith(MPCA)	Adonis Neblett (MPCA) Melissa Kuskie (MPCA) Michelle Beeman (MPCA) Jeff Stollenwerk (MPCA) Bill Sierks (MPCA) Shannon Lotthammer (MPCA) John Stine (MPCA)	Email	Communication from agency personnel to attorney	Attorney Client Communication Attorney Work Product	Produce
1250	5/31/2018	Michael R. Schmidt (MPCA)	Shannon Lotthammer (MPCA)	Email Attachment - Work Doc	Attorney communication with agency personnel	Attorney Client Communication Attorney Work Product	In camera
							*All classifications are subject to amendment.

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)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

Supplemental Privilege Log of Forensically Captured Data

Doc No.	Date	Author	Recipient(s)	File Type	Description	Privilege	Dispute*
Supp-74	12/31/2018	Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>	Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	After permit - no request
Supp-75	11/9/2018	Kuskie, Melissa (MPCA) <melissa.kuskie@state.mn.us>	Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>; Sierks, Bill (MPCA) <bill.sierks@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Rude-Young, Coriahna (MPCA) <coriahna.rude-young@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-76	12/31/2018	Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>	Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Fredrickson, Leslie (MPCA) <leslie.fredrickson@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	After permit - no request
Supp-80	1/27/2017	Neuschler, Catherine (MPCA) <catherine.neuschler@state.mn.us>	Gauthier, Greta (MPCA) <Greta.Gauthier@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Coleman, Jean (MPCA) <Jean.Coleman@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>; Skuta, Glenn (MPCA) <glenn.skuta@state.mn.us>; Turri, Wendy (MPCA) <wendy.turri@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-81	1/27/2017			Email Attachment - Word doc	Work Product created at request of counsel	Work Product	No indicia
Supp-82	2/21/2017	Foss, Ann (MPCA) <ann.foss@state.mn.us>	Gauthier, Greta (MPCA) <Greta.Gauthier@state.mn.us>; Coleman, Jean (MPCA) <Jean.Coleman@state.mn.us>; Stine, John (MPCA) <john.stine@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	String Recipient
Supp-83	2/21/2017			Email Attachment - PDF	Attorney communication with MPCA general counsel	Attorney Client	No indicia
Supp-84	8/12/2016	Neblett, Adonis (MPCA) <Adonis.Neblett@state.mn.us>	#MPCA_PCA Senior Managers <sdtnosupport.MPCA@state.mn.us>; Koelfgen, Katie E (MPCA) <katie.koelfgen@state.mn.us>; Wetzstein, Doug (MPCA) <doug.wetzstein@state.mn.us>; Biewen, Todd (MPCA) <todd.biewen@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	In camera
Supp-85	8/12/2016			Email Attachment - PDF	Attorney communication with agency personnel	Attorney Client	In camera
Supp-86	8/16/2018	Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>	Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Kuskie, Melissa (MPCA) <melissa.kuskie@state.mn.us>; Sierks, Bill (MPCA) <bill.sierks@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Stine, John (MPCA) <john.stine@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-87	8/16/2018			Email Attachment - PDF	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-88	8/16/2018			Email Attachment - Word doc	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-89	8/16/2018	Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>	Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Kuskie, Melissa (MPCA) <melissa.kuskie@state.mn.us>; Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Sierks, Bill (MPCA) <bill.sierks@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Stine, John (MPCA) <john.stine@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

Supp-90	10/17/2018	Rude-Young, CoriAhna (MPCA) <coriahna.rude-young@state.mn.us>	Verhasselt, Dave (MPCA) <dave.verhasselt@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No attorney
Supp-91	12/3/2018	Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>	Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	In camera
Supp-92	12/3/2018			Email Attachment - PDF	Attorney work product regarding permit appeal	Attorney Client; Work Product	No indicia
Supp-101	12/26/2017	Neuschler, Catherine (MPCA) <catherine.neuschler@state.mn.us>	Lyle, Laura (MPCA) <laura.lyle@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Smith, Erik (MPCA) <erik.smith@state.mn.us>; Cole, William (MPCA) <william.cole@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	String Recipient
Supp-102	6/6/2018	Udd, Jeff (MPCA) <jeff.udd@state.mn.us>	Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	String Recipient
Supp-103	6/6/2018			Email Attachment - Word doc	Attorney communication with MPCA general counsel	Attorney Client	No indicia
Supp-104	2/15/2018	Ooley, Michelle (MPCA) <michelle.oolley@state.mn.us>	Stine, John (MPCA) <john.stine@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Benke, David J (MPCA) <david.j.benke@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Schmitt, Mark (MPCA) <mark.schmitt@state.mn.us>; Oknich, Jen (MPCA) <jen.oknich@state.mn.us>; Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>; Koudelka, Kirk (MPCA) <kirk.koudelka@state.mn.us>; Coleman, Jean (MPCA) <jean.coleman@state.mn.us>; Wilde, William (MPCA) <william.wilde@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Sullivan, Jim (MPCA) <jim.sullivan@state.mn.us>; Bouchareb, Hassan (MPCA) <hassan.bouchareb@state.mn.us>; Wenz, Zach (DNR) <zach.wenz@state.mn.us>; Monson, Bruce A (MPCA) <bruce.monson@state.mn.us>; Brown, David I (MPCA) <david.i.brown@state.mn.us>; Olson, Michael (DNR) <michael.c.olson@state.mn.us>; Swain, Ed (MPCA) <edward.swain@state.mn.us>; Bourdaghs, Michael (MPCA) <michael.bourdaghs@state.mn.us>	Email	Attorney work product regarding permit development	Work Product	String Recipient
Supp-105	2/15/2018			Email Attachment - Word doc	Attorney work product regarding permit development	Work Product	No indicia
Supp-106	2/15/2018	Ooley, Michelle (MPCA) <michelle.oolley@state.mn.us>	Stine, John (MPCA); Lotthammer, Shannon (MPCA); Smith, Jeff J (MPCA); Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Schmitt, Mark (MPCA) <mark.schmitt@state.mn.us>; Neblett, Adonis (MPCA); Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>; Koudelka, Kirk (MPCA) <kirk.koudelka@state.mn.us>; Coleman, Jean (MPCA) <jean.coleman@state.mn.us>; Smith, Brandon E (MPCA) <brandon.e.smith@state.mn.us>; Smith, Erik (MPCA) <erik.smith@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Schweiss, Brian (MPCA) <brian.schweiss@state.mn.us>; Knowles, Scott (MPCA) <scott.knowles@state.mn.us>; Haugen, Theresa (MPCA) <theresa.haugen@state.mn.us>; Kyser, Scott (MPCA) <scott.kyser@state.mn.us>; Mendez, Aida (MPCA) <aida.mendez@state.mn.us>; Weiss, Steven (MPCA) <steven.weiss@state.mn.us>; Neuschler, Catherine (MPCA) <catherine.neuschler@state.mn.us>; Adams, Byron (MPCA) <byron.adams@state.mn.us>; Streit, Andrew (MPCA) <andrew.streit@state.mn.us>; Henderson, Julie (MPCA) <julie.henderson@state.mn.us>; Giddings, Steve (MPCA); Anderson, Michael J. (MPCA); Aamodt, Daniel (MPCA)	Email	Attorney work product regarding permit development	Work Product	String Recipient
Supp-107	2/15/2018			Email Attachment - Word doc	Attorney work product regarding permit development	Work Product	No indicia

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

Supp-115	1/17/2018	Udd, Jeff (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E2EA3 D7349CD4899865C E8C41466294E-JUDD>	Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Stine, John (MPCA) <john.stine@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Verhasselt, Dave (MPCA) <dave.verhasselt@state.mn.us>; Gauthier, Greta (MPCA) <greta.gauthier@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us> Rude- Young, CoriAhna (MPCA) <coriahna.rude-young@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-116	9/25/2017	Beeman, Michelle (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=108F7 480C71D4C36A72C A3218FDB76EF- *****>	Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>; Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Bunker, Joshua (MPCA) <joshua.bunker@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-117	1/14/2017	Naramore, Barb (DNR) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=NARA MORE, BARFC04D17D-6EE3-404B-B514- 6C33FA38E821A1D>	Naramore, Barb (DNR) <Barb.Naramore@state.mn.us>; Frans, Myron (MMB) <Myron.Frans@state.mn.us>; Hallstrom, Eric (MMB) <Eric.Hallstrom@state.mn.us>; Stine, John (MPCA) <john.stine@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>; Neblett, Adonis (MPCA) <Adonis.Neblett@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Landwehr, Tom (DNR) <tom.landwehr@state.mn.us>; Enzler, Sherry (DNR) <Sherry.Enzler@state.mn.us>; Polasky, Cathy A (GOV) <Cathy.Polasky@state.mn.us>; Holmes, Kim (GOV) <Kim.Holmes@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-118	1/17/2017	Baumann, Suzanne (MPCA) ----- ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BAUM ANN, SUZANNE (M339B8D3E-E5D7-42F9-BFB0- -----)	Baumann, Suzanne (MPCA) <suzanne.baumann@state.mn.us>; Thornton, J. David (MPCA) <j.david.thornton@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Bouchareb, Hassan (MPCA) <hassan.bouchareb@state.mn.us>; Sullivan, Jim (MPCA) <jim.sullivan@state.mn.us>; Ellickson, Kristie (MPCA) <kristie.ellickson@state.mn.us>; Roberson, Ruth (MPCA) <ruth.roberson@state.mn.us>; Alms, Eric (MPCA) <Eric.Alms@state.mn.us>; Fenlon, Dennis (MPCA) <dennis.fenlon@state.mn.us>; Strassman, Rick (MPCA) <rick.strassman@state.mn.us>; Jackson, Anne M (MPCA) <Anne.Jackson@state.mn.us>; Fenske, MaryJean (MPCA) <maryjean.fenske@state.mn.us>; Koudelka, Kirk (MPCA) <kirk.koudelka@state.mn.us>; Coleman, Jean (MPCA) <Jean.Coleman@state.mn.us>; Cordes, Richard M (MPCA) <richard.cordes@state.mn.us>; Brown, David L (MPCA) <David.L.Brown@state.mn.us>; Kvale, Dorian (MPCA) <Dorian.Kvale@state.mn.us>; Grayson, Kit (MPCA) <Kit.Grayson@state.mn.us>; Giddings, Steve (MPCA) <steve.giddings@state.mn.us>; Anderson, Kurt E (MPCA) <kurt.anderson@state.mn.us>; Brooks, Ned (MPCA) <Ned.Brooks@state.mn.us>; Babineau, Ian (MPCA) <Ian.Babineau@state.mn.us>; Smith, Brandon E (MPCA) <brandon.e.smith@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Smith, Erik (MPCA) <Erik.Smith@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Schweiss, Brian (MPCA) <Brian.Schweiss@state.mn.us>; Knowles, Scott (MPCA)	Email	Communication between MPCA personnel	Attorney Client	String Recipient

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

			<p><scott.knowles@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Kyser, Scott (MPCA)</p> <p><Scott.Kyser@state.mn.us>; Mendez, Aida (MPCA) <aida.mendez@state.mn.us>; Weiss, Steven (MPCA)</p> <p><steven.weiss@state.mn.us>; Adams, Byron (MPCA) <byron.adams@state.mn.us>; Streitz, Andrew (MPCA)</p> <p><andrew.streitz@state.mn.us>; Henderson, Julie (MPCA) <julie.henderson@state.mn.us>; Anderson, Michael J.</p> <p>(MPCA) <michael.j.anderson@state.mn.us>; Hansen, Douglas (MPCA) ; Aamodt, Daniel (MPCA); Benke, David J</p> <p>(MPCA); Wilde, William (MPCA); Oknich, Jen (MPCA); Swain, Ed (MPCA); Monson, Bruce A (MPCA)</p> <p><bruce.monson@state.mn.us>; Bourdaghs, Michael (MPCA) ; Wenz, Zach (DNR) <zach.wenz@state.mn.us>; Kelly,</p> <p>Megan J (DNR); Kuskie, Melissa (MPCA) ; Stollenwerk, Jeff (MPCA) ; Hoff, Paul (MPCA) ; Neuschler, Catherine</p> <p>(MPCA); Laing, Kimberly (MPCA); Pak, Steven (MPCA); Liljegren, Michael W (DNR); Foss, Ann (MPCA)</p>				
Supp-119	1/17/2017	<p>Baumann, Suzanne (MPCA)</p> <p></O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP</p> <p>(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BAUMANN.SUZANNE (M339B8D3E-E5D7-42F9-BFB0-3359E71D8E99)</p>	<p>Baumann, Suzanne (MPCA) <suzanne.baumann@state.mn.us>; Thornton, J. David (MPCA)</p> <p><j.david.thornton@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Bouchareb, Hassan (MPCA)</p> <p><hassan.bouchareb@state.mn.us>; Sullivan, Jim (MPCA) <jim.sullivan@state.mn.us>; Ellickson, Kristie (MPCA)</p> <p><kristie.ellickson@state.mn.us>; Roberson, Ruth (MPCA) <ruth.roberson@state.mn.us>; Alms, Eric (MPCA)</p> <p><Eric.Alms@state.mn.us>; Fenlon, Dennis (MPCA) <dennis.fenlon@state.mn.us>; Strassman, Rick (MPCA)</p> <p><rick.strassman@state.mn.us>; Jackson, Anne M (MPCA) <Anne.Jackson@state.mn.us>; Fenske, MaryJean (MPCA)</p> <p><maryjean.fenske@state.mn.us>; Koudelka, Kirk (MPCA) <kirk.koudelka@state.mn.us>; Coleman, Jean (MPCA)</p> <p><Jean.Coleman@state.mn.us>; Cordes, Richard M (MPCA) <richard.cordes@state.mn.us>; Brown, David L (MPCA)</p> <p><David.LBrown@state.mn.us>; Kvale, Dorian (MPCA) <Dorian.Kvale@state.mn.us>; Grayson, Kit (MPCA)</p> <p><Kit.Grayson@state.mn.us>; Giddings, Steve (MPCA) <steve.giddings@state.mn.us>; Anderson, Kurt E (MPCA)</p> <p><kurt.anderson@state.mn.us>; Brooks, Ned (MPCA) <Ned.Brooks@state.mn.us>; Babineau, Ian (MPCA)</p> <p><Ian.Babineau@state.mn.us>; Smith, Brandon E (MPCA) <brandon.e.smith@state.mn.us>; Flood, Rebecca (MPCA)</p> <p><rebecca.flood@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Handeland, Stephanie</p> <p>(MPCA) <stephanie.handeland@state.mn.us>; Smith, Erik (MPCA) <Erik.Smith@state.mn.us>; Clark, Richard (MPCA)</p> <p><richard.clark@state.mn.us>; Schweiss, Brian (MPCA) <Brian.Schweiss@state.mn.us>; Knowles, Scott (MPCA)</p> <p><scott.knowles@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Kyser, Scott (MPCA)</p> <p><Scott.Kyser@state.mn.us>; Mendez, Aida (MPCA) <aida.mendez@state.mn.us>; Weiss, Steven (MPCA)</p> <p><steven.weiss@state.mn.us>; Adams, Byron (MPCA) <byron.adams@state.mn.us>; Streitz, Andrew (MPCA)</p> <p><andrew.streitz@state.mn.us>; Henderson, Julie (MPCA) <julie.henderson@state.mn.us>; Anderson, Michael J.</p> <p>(MPCA) ; Hansen, Douglas (MPCA) ; Aamodt, Daniel (MPCA) ; Benke, David J (MPCA); Wilde, William (MPCA) ; Oknich,</p> <p>Jen (MPCA); Swain, Ed (MPCA); Monson, Bruce A (MPCA); Bourdaghs, Michael (MPCA); Wenz, Zach (DNR); Kelly,</p> <p>Megan J (DNR); Kuskie, Melissa (MPCA); Stollenwerk, Jeff (MPCA); Hoff, Paul (MPCA); Neuschler, Catherine (MPCA) ;</p>	Email	Communication between MPCA personnel	Attorney Client	String Recipient

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

			Laing, Kimberly (MPCA) >; Pak, Steven (MPCA); Liljegren, Michael W (DNR)>; Foss, Ann (MPCA)				
Supp-120	2/5/2018	Peck, Joel (MPCA) <joel.peck@state.mn.us>	Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No attorney
Supp-121	2/5/2018			Email Attachment - Word doc	Work Product created at request of counsel	Work Product	No indicia
Supp-122	2/14/2018	Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>	Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us> Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	In camera
Supp-123	2/15/2018	Neblett, Adonis (MPCA)	Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>	Email	Attorney communication with MPCA general	Attorney Client	In camera
Supp-124	1/31/2018	Scheirer, Paul (MPCA) <paul.scheirer@state.mn.us>	Coleman, Jean (MPCA) <jean.coleman@state.mn.us>; Weiss, Steven (MPCA) <steven.weiss@state.mn.us>; Peck, Joel (MPCA) <joel.peck@state.mn.us>; Luckstein, Aaron (MPCA) <aaron.luckstein@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us> Kvittem, Holly (MPCA) <holly.kvittem@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-125	1/31/2018			Email Attachment - Word doc	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-126	2/14/2018	Flood, Rebecca (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f090ce0b00de4cd4ba146a1c9722f4ca-rflood>	Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No attorney
Supp-127	2/14/2018	Flood, Rebecca (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F090CE0B00DE4CD4BA146A1C9722F4CA-RECIPIENTS>	Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No attorney
Supp-128	2/15/2018	Flood, Rebecca (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f090ce0b00de4cd4ba146a1c9722f4ca-rflood>	Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	In camera
Supp-129	2/14/2018	Flood, Rebecca (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F090CE0B00DE4CD4BA146A1C9722F4CA-RECIPIENTS>	Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No attorney
Supp-130	2/14/2018	Flood, Rebecca (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f090ce0b00de4cd4ba146a1c9722f4ca-rflood>	Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No attorney
Supp-131	2/14/2018	Flood, Rebecca (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f090ce0b00de4cd4ba146a1c9722f4ca-rflood>	Jeff Smith (jeff.j.smith@state.mn.us) <jeff.j.smith@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Shannon Lotthammer (MPCA) <shannon.lotthammer@state.mn.us> Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Beeman, Michelle (MPCA) <Michelle.Beeman@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

Supp-132	1/12/2017	Clark, Richard (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CLARK, RICHARD (MPC06040561-5130-42EE-86D1-99D530658D44>	Clark, Richard (MPCA) <richard.clark@state.mn.us>; Gischia, Scott (Scott.Gischia@CliffsNR.com) <Scott.Gischia@CliffsNR.com>; Rob.Beranek@CliffsNR.com <Rob.Beranek@CliffsNR.com>; ckearney@polymetmining.com <ckeareneypolymetmining.com>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-133	9/6/2016	Handeland, Stephanie (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-5255560A9891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-134	1/12/2017	Handeland, Stephanie (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-5255560A9891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckeareneypolymetmining.com>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-135	1/12/2017	HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckeareneypolymetmining.com> Denise M. Levitan <DLevitan@barr.com>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-136	1/12/2017		Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckeareneypolymetmining.com> Keith Hanson <KHanson@barr.com>; Fontaine, Gregory <greg.fontaine@stinson.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-137	1/12/2017		Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckeareneypolymetmining.com>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us> Keith Hanson <KHanson@barr.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-138	1/12/2017		Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckeareneypolymetmining.com>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us> Keith Hanson <KHanson@barr.com>; Jeré Mohr <JMohr@barr.com>; Cliff J. Twaroski <CTwaroski@barr.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-139	1/12/2017		Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckeareneypolymetmining.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-140	1/12/2017			Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-141	1/12/2017	Handeland, Stephanie (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-5255560A9891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckeareneypolymetmining.com>; Fay, Lisa (DNR) <lisa.fay@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	Third party

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MPCA FORENSIC SEARCH PRIVILEGE LOG
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Supp-142	1/17/2017	Clark, Richard (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CLARK, RICHARD (MPC06040561-5130-42EE-86D1-99D530658D44>	Clark, Richard (MPCA) <richard.clark@state.mn.us>; ckearney@polymetmining.com <ckeareney@polymetmining.com>; Gischia, Scott (Scott.Gischia@CliffsNR.com) <Scott.Gischia@CliffsNR.com>; Rob.Beranek@CliffsNR.com <Rob.Beranek@CliffsNR.com>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Fontaine, Gregory <Gregory.Fontaine@leonard.com> (Gregory.Fontaine@leonard.com) (Gregory.Fontaine@leonard.com) <Gregory.Fontaine@leonard.com>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us> Fontaine, Gregory <greg.fontaine@stinson.com>; Jeremy Greenhouse <jgreenhouse@envirolawgroup.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-143	5/5/2017	Handeland, Stephanie (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bbeb6d720154abb82291a4d850bfc81-shandel>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Fay, Lisa (DNR) <lisa.fay@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckearney@polymetmining.com>; Robin, Jim (MPCA) <jim.robin@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	Third party
Supp-144	9/25/2017	Beeman, Michelle (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=108F7480C71D4C36A72CA3218FDB76EF-MBEEMAN>	Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>; Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Bunker, Joshua (MPCA) <joshua.bunker@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-145	9/18/2017	Robin, Jim (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0F5C25EA3DB24D69B8A6F4D05120B9E7-JROBIN>	Robin, Jim (MPCA) <jim.robin@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Schweiss, Brian (MPCA) <brian.schweiss@state.mn.us>; smg@gale-tec.com <smg@gale-tec.com>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckearney@polymetmining.com>; Tom Radue <tradue@barr.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-146	8/10/2016	Handeland, Stephanie (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-147	8/10/2016	HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-148	8/10/2016	HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

		STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>					
Supp-149	8/10/2016	HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-150	8/10/2016	HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-151	8/10/2016	HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-152	8/10/2016	HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-153	8/10/2016	HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-154	8/10/2016	HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-155	8/10/2016	HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

Supp-156	9/8/2017	Robin, Jim (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0F5C25EA3DB24D69B8A6F4D05120B9E7-JROBIN>	Robin, Jim (MPCA) <jim.robin@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Monson, Bruce A (MPCA) <bruce.monson@state.mn.us>; Wenz, Zach (DNR) <zach.wenz@state.mn.us>; Sullivan, Jim (MPCA) <jim.sullivan@state.mn.us>; Lisa Molofsky <lmolofsky@gsi-net.com>; Krish Vijayaraghavan <kvijayaraghavan@ramboll.com>; Rich Schwartz <rschwartz@crowell.com>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-157	1/11/2017	Baumann, Suzanne (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BAUMANN, SUZANNE (M33988D3E-ESD7-42F9-BFB0-33CFE7309CF0)>	Baumann, Suzanne (MPCA) <suzanne.baumann@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Coleman, Jean (MPCA) <Jean.Coleman@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-158	12/28/2016	Robin, Jim (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ROBIN, JIM (MPCA)23CCDAD8-07D9-496F-9D1A-D638396BF232>	Robin, Jim (MPCA) <jim.robin@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Chesnut, David (MPCA) <David.Chesnut@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	String Recipient
Supp-159	6/27/2017	Clark, Richard (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2fe0b3faecd44e1684ed7f7f b2985cb8-rclark>	Clark, Richard (MPCA) <richard.clark@state.mn.us>; Giddings, Steve (MPCA) <steve.giddings@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-160	8/30/2017	Robin, Jim (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0f5c25ea3db24d69b8a6f4d 05120b9e7-jrobin>	Robin, Jim (MPCA) <jim.robin@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Monson, Bruce A (MPCA) <bruce.monson@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Dave Krabbenhoft <dpkrabbe@usgs.gov>; Rich Schwartz <rschwartz@crowell.com>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-161	1/17/2018	Udd, Jeff (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E2EA3D7349CD4899865C E8C41466294E-JUDD>	Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Stine, John (MPCA) <john.stine@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Verhasselt, Dave (MPCA) <dave.verhasselt@state.mn.us>; Gauthier, Greta (MPCA) <greta.gauthier@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us> Rude-Young, CoriAhna (MPCA) <coriahna.rude-young@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-162	8/31/2017	Robin, Jim (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0f5c25ea3db24d69b8a6f4d 05120b9e7-jrobin>	Robin, Jim (MPCA) <jim.robin@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Monson, Bruce A (MPCA) <bruce.monson@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Dave Krabbenhoft <dpkrabbe@usgs.gov>; Rich Schwartz <rschwartz@crowell.com>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-163	11/15/2017	Robin, Jim (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0f5c25ea3db24d69b8a6f4d 05120b9e7-jrobin>	Robin, Jim (MPCA) <jim.robin@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Schweiss, Brian (MPCA) <brian.schweiss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; nml@gale-tec.com <nml@gale-tec.com>; Steve Gale (smg@gale-tec.com) <smg@gale-tec.com>; Stu Grubb <sgrubb@eorinc.com>; Christie Kearney (ckearney@polymetmining.com) <ckearney@polymetmining.com>; Greg Fontaine (greg.fontaine@stoel.com) <greg.fontaine@stoel.com>; Tom Radue <tradue@barr.com>	Email	Communication between MPCA personnel	Attorney Client	String Recipient and Third party

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

Supp-164	3/31/2017	Clark, Richard (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CLARK,RICHARD (MPC06040561-5130-42EE-86D1-99D530658D44)>	Clark, Richard (MPCA) <richard.clark@state.mn.us>; Kyser, Scott (MPCA) <Scott.Kyser@state.mn.us>; Weiss, Steven (MPCA) <steven.weiss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-165	3/31/2017			Email Attachment - Word doc	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-166	7/12/2016	Stollenwerk, Jeff (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=STOLLENWERK,JEFF (348869AE-62B5-43FC-B859-56196F40755E)>	Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Dahl, Tamara D (MPCA) <tamara.dahl@state.mn.us>; Scheirer, Paul (MPCA) <paul.scheirer@state.mn.us>; Luckstein, Aaron (MPCA) <aaron.luckstein@state.mn.us>; Thomas, John (MPCA) <john.thomas@state.mn.us>; Sokola, Scot (MPCA) <scot.sokola@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Sundermann, Charlene (MPCA) <Charlene.Sundermann@state.mn.us>; Turri, Wendy (MPCA) <wendy.turri@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client; Work Product	String Recipient
Supp-167	1/10/2017	Dobbins, Laura (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DOBBINS,LAUR1F622695-39D2-4962-BC2A-1632560209043>	Dobbins, Laura (MPCA) <Laura.Dobbins@state.mn.us>; Neuschler, Catherine (MPCA) <catherine.neuschler@state.mn.us>; Cole, William (MPCA) <william.cole@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Smith, Erik (MPCA) <Erik.Smith@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	No attorney
Supp-168	9/14/2018	Udd, Jeff (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e2ea3d7349cd4899865ce8c 41466294e-judd>	Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Schweiss, Brian (MPCA) <brian.schweiss@state.mn.us>; Kyser, Scott (MPCA) <scott.kyser@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-169	9/14/2018			Email Attachment - Word doc	Attorney communication with MPCA general counsel	Attorney Client	No indicia
Supp-170	6/19/2017	Robin, Jim (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0f5c25ea3db24d69b8a6f4d 05120b9e7-jrobin>	Robin, Jim (MPCA) <jim.robin@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Wenz, Zach (DNR) <zach.wenz@state.mn.us>; Monson, Bruce A (MPCA) <bruce.monson@state.mn.us>; Sullivan, Jim (MPCA) <jim.sullivan@state.mn.us>; Bouchareb, Hassan (MPCA) <hassan.bouchareb@state.mn.us>; Oknich, Jen (MPCA) <jen.oknich@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-171	8/30/2016	Handeland, Stephanie (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND,STEPHANI66A77C7D-D429-4276-9212-173556001993>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-172	9/1/2016	Handeland, Stephanie (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND,STEPHANI66A77C7D-D429-4276-9212-173556001993>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckearney@polymetmining.com>; Fay, Lisa (DNR) <lisa.fay@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	Third party

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MPCA FORENSIC SEARCH PRIVILEGE LOG
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Supp-173	8/31/2017	Foss, Ann (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bd7c171e194f4b81865055b eSadb402-afoss>	Foss, Ann (MPCA) <ann.foss@state.mn.us>; Sullivan, Jim (MPCA) <jim.sullivan@state.mn.us>; Roberson, Ruth (MPCA) <ruth.roberson@state.mn.us>; Kohlasch, Frank (MPCA) <frank.kohlasch@state.mn.us>; Baumann, Suzanne (MPCA) <suzanne.baumann@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Fredrickson, Leslie (MPCA) <leslie.fredrickson@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckearney@polymetmining.com> Todd M. Fasking <TFasking@barr.com>; Eric Edwalds <EEdwalds@barr.com>; Jon Bloomberg <jbloomberg@envirolawgroup.com>; Kevin Pylika <kpylika@polymetmining.com> MN_MPCA_#RM 600 Cap 24 (651-757-2152) <rm.6-1.cap.10-12.mPCA@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-174	4/6/2017	Fay, Lisa (DNR) </O=MMS/OU=EXTERNAL (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B31FD F94C82049139714 838FBF56C109>	Fay, Lisa (DNR) <lisa.fay@state.mn.us>; Wenz, Zach (DNR) <zach.wenz@state.mn.us>; Monson, Bruce A (MPCA) <bruce.monson@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; ckearney@polymetmining.com <ckearney@polymetmining.com>; ctwaroski@barr.com <ctwaroski@barr.com>; Fontaine, Gregory' <greg.fontaine@stinson.com>; Tamara Diedrich' <tdiedrich@mineralogicllc.com> Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Peter J. Hinc <PHinck@barr.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-175	8/31/2017	Robin, Jim (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0f5c25e a3db24d69b8a6f4d 05120b9e7-jrobin>	Robin, Jim (MPCA) <jim.robin@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Sullivan, Jim (MPCA) <jim.sullivan@state.mn.us>; Monson, Bruce A (MPCA) <bruce.monson@state.mn.us>; Wenz, Zach (DNR) <zach.wenz@state.mn.us>; Lisa Molofsky <lmolofsky@gsi-net.com>; Krish Vijayaraghavan <kvijayaraghavan@ramboll.com>; Rich Schwartz <rschwartz@crowell.com>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-176	9/14/2017	Robin, Jim (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0F5C2 5EA3DB24D69B8A 6F4D05120B9E7-JROBIN>	Robin, Jim (MPCA) <jim.robin@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Sullivan, Jim (MPCA) <jim.sullivan@state.mn.us>; Wenz, Zach (DNR) <zach.wenz@state.mn.us>; Mark Hemingway <mphemingway@gsi-net.com>; Lisa Molofsky <lmolofsky@gsi-net.com>; Krish Vijayaraghavan <kvijayaraghavan@ramboll.com>; Rich Schwartz <rschwartz@crowell.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-177	1/11/2017	Baumann, Suzanne (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BAUM ANN, SUZANNE (M339B8D3E-E5D7-42F9-BF80-	Baumann, Suzanne (MPCA) <suzanne.baumann@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Coleman, Jean (MPCA) <Jean.Coleman@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-178	7/20/2017	Handeland, Stephanie (MPCA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bbeb6d d720154abb82291a 4d850bfc81-shandel>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Giddings, Steve (MPCA) <steve.giddings@state.mn.us>; Mondloch, Mike M (MPCA) <mike.mondloch@state.mn.us>; Hokenson, Alex (MPCA) <alex.hokenson@state.mn.us>; Henderson, Julie (MPCA) <julie.henderson@state.mn.us>;	Email	Communication between MPCA personnel	Attorney Client	String Recipient

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

			Stellmach, David (MPCA) <david.stellmach@state.mn.us>; Schweiss, Brian (MPCA) <brian.schweiss@state.mn.us>; Sillis, Ainars (MPCA) <ainars.sillis@state.mn.us> Knowles, Scott (MPCA) <scott.knowles@state.mn.us>				
Supp-179	9/26/2016	Handeland, Stephanie (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDEL LAND, STEPHANI66A77C7D-D429-4276-9212- E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <rclark.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckearney@polymetmining.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-180	9/26/2016	HANDELAND, STEPHANI66A77C7D-D429-4276- 9212-E2F61600A891 </O=MMS/OU=EXCHANGE ADMINISTRATIVE -- (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDEL LAND, STEPHANI66A77C7D-D429-4276-9212- E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <rclark.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Christie Kearney (ckearney@polymetmining.com) <ckearney@polymetmining.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-181	9/26/2016			Email	Work Product created at request of counsel	Attorney Client	No attorney and No indicia
Supp-182	1/11/2017	Baumann, Suzanne (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BAUM ANN, SUZANNE (M33988D3E-ESD7-42F9-BFB0- 3359E71D8E99>	Baumann, Suzanne (MPCA) <suzanne.baumann@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Coleman, Jean (MPCA) <Jean.Coleman@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us> Thornton, J. David (MPCA) <j.david.thornton@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Bouchareb, Hassan (MPCA) <hassan.bouchareb@state.mn.us>; Sullivan, Jim (MPCA) <jim.sullivan@state.mn.us>; Ellickson, Kristie (MPCA) <kristie.ellickson@state.mn.us>; Roberson, Ruth (MPCA) <ruth.roberson@state.mn.us>; Alms, Eric (MPCA) <Eric.Alms@state.mn.us>; Fenlon, Dennis (MPCA) <dennis.fenlon@state.mn.us>; Strassman, Rick (MPCA) <rick.strassman@state.mn.us>; Jackson, Anne M (MPCA) <Anne.Jackson@state.mn.us>; Fenske, MaryJean (MPCA) <maryjean.fenske@state.mn.us>; Koudelka, Kirk (MPCA) <kirk.koudelka@state.mn.us>; Cordes, Richard M (MPCA) <richard.cordes@state.mn.us>; Brown, David L (MPCA) <David.L.Brown@state.mn.us>; Kvale, Dorian (MPCA) <Dorian.Kvale@state.mn.us>; Grayson, Kit (MPCA) <Kit.Grayson@state.mn.us>; Giddings, Steve (MPCA) <steve.giddings@state.mn.us>; Anderson, Kurt E (MPCA) <kurt.anderson@state.mn.us>; Brooks, Ned (MPCA) <Ned.Brooks@state.mn.us>; Babineau, Ian (MPCA) <Ian.Babineau@state.mn.us>; Smith, Brandon E (MPCA) <brandon.e.smith@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Smith, Erik (MPCA) <Erik.Smith@state.mn.us>; Clark, Richard (MPCA) <rclark.clark@state.mn.us>; Schweiss, Brian (MPCA) <Brian.Schweiss@state.mn.us>; Knowles, Scott (MPCA) <scott.knowles@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Kyser, Scott (MPCA) <Scott.Kyser@state.mn.us>; Mendez, Aida (MPCA) <aida.mendez@state.mn.us>; Weiss, Steven (MPCA) <steven.weiss@state.mn.us>; Adams, Byron (MPCA) <byron.adams@state.mn.us>; Streitz, Andrew (MPCA) <andrew.streitz@state.mn.us>; Henderson, Julie (MPCA) <julie.henderson@state.mn.us>; Anderson, Michael J. (MPCA) <michael.j.anderson@state.mn.us>; Hansen, Douglas (MPCA) <douglas.hansen@state.mn.us>; Aamodt, Daniel (MPCA) <Daniel.Aamodt@state.mn.us>; Benke, David J (MPCA) <david.j.benke@state.mn.us>; Wilde, William (MPCA) <william.wilde@state.mn.us>; Oknich, Jen (MPCA) <jen.oknich@state.mn.us>; Swain, Ed (MPCA) <edward.swain@state.mn.us>; Monson, Bruce A (MPCA) <bruce.monson@state.mn.us>; Bourdagh, Michael (MPCA) <michael.bourdagh@state.mn.us>; Wenz, Zach (DNR) <zach.wenz@state.mn.us>; Kelly, Megan J (DNR) <Megan.J.Kelly@state.mn.us>; Kuskie, Melissa (MPCA) <Melissa.Kuskie@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Hoff, Paul (MPCA) <paul.hoff@state.mn.us>; Neuschler, Catherine (MPCA) <catherine.neuschler@state.mn.us>; Laing, Kimberly (MPCA) <kimberly.laing@state.mn.us>; Pak, Steven (MPCA) <Steven.Pak@state.mn.us>; Liljegren, Michael W (DNR) <michael.liljegren@state.mn.us>; Volkmeier, Toni (MPCA) <toni.volkmeier@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

Supp-183	8/30/2017	Robin, Jim (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0F5C2 5EA3DB24D69B8A 6F4D05120B9E7-JROBIN>	Robin, Jim (MPCA) <jim.robin@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Sullivan, Jim (MPCA) <jim.sullivan@state.mn.us>; Monson, Bruce A (MPCA) <bruce.monson@state.mn.us>; Krish Vijayaraghavan <kvijayaraghavan@ramboll.com>; Mark Hemingway <mhemingway@gsi-net.com>; Lisa Molofsky <lmolofsky@gsi-net.com>; Rich Schwartz <rschwartz@crowell.com>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-184	7/12/2016	Foss, Ann (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FOSS, ANN (MPCA)CB5FCCB8-6C32-43E4-992C- B367F71B7DA5>	Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Aleava Sayre (aleava.sayre@stinsonleonard.com) <aleava.sayre@stinsonleonard.com>	Email	Communication between MPCA personnel	Attorney Client	Third party
Supp-185	1/6/2017	Clark, Richard (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CLARK, RICHARD (MPC06040561-5130-42EE-86D1- 99D530658D44>	Clark, Richard (MPCA) <richard.clark@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Cole, William (MPCA) <william.cole@state.mn.us>; Weiss, Steven (MPCA) <steven.weiss@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Oknich, Jen (MPCA) <jen.oknich@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	String Recipient
Supp-186	6/22/2017	Alms, Eric (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DE0BF 5566C6F4B67A86F 950D434DECAE-EALMS>	Alms, Eric (MPCA) <eric.als@state.mn.us>; Baumann, Suzanne (MPCA) <suzanne.baumann@state.mn.us>; Bouchareb, Hassan (MPCA) <hassan.bouchareb@state.mn.us>; Jon Bloomberg (jbloomberg@envirolawgroup.com) <jbloomberg@envirolawgroup.com>; kpylika@polymetmining.com <kpylika@polymetmining.com>; Pat Sheehy (psheehy@barr.com) <psheehy@barr.com>; tfasking@barr.com <tfasking@barr.com>; Fredrickson, Leslie (MPCA) <leslie.fredrickson@state.mn.us>; ECSchilling@hollandhart.com <ECSchilling@hollandhart.com> William Hefner <whefner@envirolawgroup.com>; Foss, Ann (MPCA) <ann.foss@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	Third party
Supp-187	11/9/2018	Schleichert, Pat M (DNR) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=18CE6 7D5FFCA446C8A3F 84F4922A4219-PAT SCHLEIC>	Schleichert, Pat M (DNR) <pat.schleichert@state.mn.us>; Enzler, Sherry (DNR) <sherry.enzler@state.mn.us>; Ruthven, Fiona (DNR) <fiona.ruthven@state.mn.us>; Richards, Jess (DNR) <jess.richards@state.mn.us>; Naramore, Barb (DNR) <barb.naramore@state.mn.us>; Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>; Jon W. Katchen <JWKatchen@hollandhart.com>; John C. Martin <JCMartin@hollandhart.com>; SMMathiascheck@hollandhart.com <SMMathiascheck@hollandhart.com>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us> Baumeister, Paula (DNR) <paula.baumeister@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-188	11/9/2018			Email Attachment - PNG	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-189	11/9/2018			Email Attachment - PNG	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-190	6/12/2018	Luckstein, Aaron (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2973B 2611D704ECB8C9C 51A93BD6F09E- A11476F5>	Luckstein, Aaron (MPCA) <aaron.luckstein@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Coleman, Jean (MPCA) <jean.coleman@state.mn.us>; Blasing, Nicole (MPCA) <nicole.blasing@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

Supp-191	2/22/2018	Alms, Eric (MPCA) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DE0BF5566C6F4B67A86F950D434DECAE-EALMS>	Alms, Eric (MPCA) <eric.als@state.mn.us>; Baumann, Suzanne (MPCA) <suzanne.baumann@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Kuskie, Melissa (MPCA) <melissa.kuskie@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Thornton, J. David (MPCA) <j.david.thornton@state.mn.us>; Clarizio, Michele (MPCA) <michele.clarizio@state.mn.us>; Stine, John (MPCA) <john.stine@state.mn.us> Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-192	8/16/2018	Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>	Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Kuskie, Melissa (MPCA) <melissa.kuskie@state.mn.us>; Sierks, Bill (MPCA) <bill.sierks@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us> Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Stine, John (MPCA) <john.stine@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-193	8/16/2018			Email Attachment - PDF	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-194	8/16/2018			Email Attachment - Word doc	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-195	8/16/2018	Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>	Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Kuskie, Melissa (MPCA) <melissa.kuskie@state.mn.us>; Beeman, Michelle (MPCA) <michelle.beeman@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Sierks, Bill (MPCA) <bill.sierks@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us> Stine, John (MPCA) <john.stine@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-196	5/31/2018	Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>	Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	In camera
Supp-206	12/3/2018	Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>	Neblett, Adonis (MPCA) <adonis.neblett@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	In camera
Supp-207	12/3/2018			Email Attachment - PDF	Attorney communication with MPCA general counsel	Attorney Client	No indicia
Supp-209	12/11/2018	Udd, Jeff (MPCA) <jeff.udd@state.mn.us>	Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>	Email	Attorney communication with outside counsel	Attorney Client	No attorney
Supp-210	12/11/2018			Email Attachment - Word doc	Attorney work product regarding permit appeal	Attorney Client; Work Product	No indicia
Supp-211	10/17/2018	Rude-Young, Coriahna (MPCA) <coriahna.rude-young@state.mn.us>	Verhasselt, Dave (MPCA) <dave.verhasselt@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No attorney
Supp-212	6/6/2018	Udd, Jeff (MPCA) <jeff.udd@state.mn.us>	Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us> Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	String Recipient
Supp-213	6/6/2018			Email Attachment - Word doc	Attorney communication with MPCA general counsel	Attorney Client	No indicia
Supp-214	8/10/2016	Handeland, Stephanie (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-526666666666>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-215	8/10/2016	</O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANI66A77C7D-D429-4276-9212-526666666666>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient

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MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

Supp-216	8/17/2016	Handeland, Stephanie (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=HANDELAND, STEPHANIE66A77C7D-D429-4276-9212-E2F61600A891>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Weiss, Steven (MPCA) <steven.weiss@state.mn.us>; Kyser, Scott (MPCA) <Scott.Kyser@state.mn.us>; Kristiansen, Devon (MPCA) <Devon.Kristiansen@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schweiss, Brian (MPCA) <Brian.Schweiss@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	String Recipient
Supp-217	12/23/2016	Blasing, Nicole (MPCA) </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BLASING, NICOLE (MP03B95851-53F8-4FF3-9D88-CE022766DADE>	Blasing, Nicole (MPCA) <nicole.blasing@state.mn.us>; Priebe, Bill (MPCA) <bill.priebe@state.mn.us>; Meyer, Pam (MPCA) <Pam.Meyer@state.mn.us>; Sahli, David (MPCA) <david.sahli@state.mn.us>; Christensen, Holly (MPCA) <holly.christensen@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	No attorney
Supp-218	12/23/2016			Email Attachment - Word doc	Communication between MPCA personnel	Work Product	No attorney and No indicia
Supp-219	8/4/2016	Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>	Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Verhasselt, Dave (MPCA) <dave.verhasselt@state.mn.us>; Rafferty, Michael (MPCA) <michael.rafferty@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Luckstein, Aaron (MPCA) <aaron.luckstein@state.mn.us>; Turri, Wendy (MPCA) <wendy.turri@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Schmitt, Mark (MPCA) <mark.schmitt@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	String Recipient
Supp-220	8/17/2016	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>	Foss, Ann (MPCA) <ann.foss@state.mn.us>; Clark, Richard (MPCA) <richard.clark@state.mn.us>; Fay, Lisa (DNR) <lisa.fay@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-221	8/17/2016			Email Attachment - Excel Doc	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-222	8/4/2016	Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Verhasselt, Dave (MPCA) <dave.verhasselt@state.mn.us>; Flood, Rebecca (MPCA) <rebecca.flood@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client; Work Product	In camera
Supp-223	8/2/2016	Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Neblett, Adonis (MPCA) <Adonis.Neblett@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>	Email	Attorney work product regarding permit development	Attorney Client	In camera
Supp-224	8/2/2016			Email Attachment - PDF	Attorney work product regarding permit development	Work Product	No indicia
Supp-225	8/17/2016	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>	Clark, Richard (MPCA) <richard.clark@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney work product regarding permit development	Work Product	String Recipient
Supp-226	8/17/2016			Email Attachment - Excel Doc	Attorney work product regarding permit development	Work Product	No indicia
Supp-227	8/11/2016	Foss, Ann (MPCA) </o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Foss, Ann (MPCA)cb5fccb8-6c32-43e4-992c-b367f71b7da5>	Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Flood, Rebecca (MPCA) (Rebecca.Flood@state.mn.us) <Rebecca.Flood@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Clark, Richard <Richard.Clark@state.mn.us>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>	Email	Communication between MPCA personnel	Attorney Client	String Recipient
Supp-228	8/8/2016	Foss, Ann (MPCA) </o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Foss, Ann (MPCA)cb5fccb8-6c32-43e4-992c-b367f71b7da5>	Clark, Richard <Richard.Clark@state.mn.us>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	String Recipient
Supp-229	8/17/2016	Foss, Ann (MPCA) </o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Foss, Ann (MPCA)cb5fccb8-6c32-43e4-992c-b367f71b7da5>	Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Flood, Rebecca (MPCA) (Rebecca.Flood@state.mn.us) <Rebecca.Flood@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Clark, Richard <Richard.Clark@state.mn.us>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-230	8/15/2016	Foss, Ann (MPCA) <ann.foss@state.mn.us>	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No attorney

Exhibit A-3

MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

Supp-231	8/15/2016	Foss, Ann (MPCA) <o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Foss, Ann (MPCA)cb5fccb8- 6c32-43e4-992c-	Flood, Rebecca (MPCA) (Rebecca.Flood@state.mn.us) <Rebecca.Flood@state.mn.us>; Clark, Richard <Richard.Clark@state.mn.us>; Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Neblett, Adonis (MPCA) <Adonis.Neblett@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-232	8/15/2016			Email Attachment - PDF	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-233	8/8/2016	Foss, Ann (MPCA) <o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Foss, Ann (MPCA)cb5fccb8- 6c32-43e4-992c-	Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Clark, Richard <Richard.Clark@state.mn.us>; Suzanne Baumann (suzanne.baumann@state.mn.us) <suzanne.baumann@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	String Recipient
Supp-234	8/8/2016			Email Attachment - PDF	Forwarding attorney communication and work product	Attorney Client	No indicia
Supp-235	8/8/2016			Email Attachment - PDF	Forwarding attorney communication and work product	Attorney Client	No indicia
Supp-236	8/8/2016			Email Attachment - PDF	Forwarding attorney communication and work product	Attorney Client	No indicia
Supp-237	8/8/2016			Email Attachment - PDF	Forwarding attorney communication and work product	Attorney Client	No indicia
Supp-238	8/8/2016	Foss, Ann (MPCA) <o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Foss, Ann (MPCA)cb5fccb8- 6c32-43e4-992c-	Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>; Clark, Richard <Richard.Clark@state.mn.us>; Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	String Recipient
Supp-239	8/8/2016			Email Attachment - Word doc	Attorney work product regarding permit development	Work Product	No indicia
Supp-240	8/15/2016	Foss, Ann (MPCA) <o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Foss, Ann (MPCA)cb5fccb8- 6c32-43e4-992c-	Verhasselt, Dave (MPCA) <dave.verhasselt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No attorney
Supp-241	8/15/2016			Email Attachment - PDF	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-242	8/10/2016	Foss, Ann (MPCA) <o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Foss, Ann (MPCA)cb5fccb8- 6c32-43e4-992c-	Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	In camera
Supp-243	8/15/2016	Foss, Ann (MPCA) <o=MMS/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Foss, Ann (MPCA)cb5fccb8- 6c32-43e4-992c-	Handeland, Stephanie (MPCA) <stephanie.handeland@state.mn.us>; Smith, Erik (MPCA) <Erik.Smith@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No attorney
Supp-244	8/15/2016			Email Attachment - PDF	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-245	8/17/2016	Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us>	Email	Attorney communication with MPCA general counsel	Attorney Client	In camera
Supp-246	8/17/2016			Email Attachment - Word doc	Attorney communication with MPCA general counsel	Attorney Client	In camera
Supp-247	8/9/2016	Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Foss, Ann (MPCA) <ann.foss@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	No indicia
Supp-248	8/9/2016			Email Attachment - Word doc	Attorney communication with agency personnel	Attorney Client	No indicia

Exhibit A-3

MPCA FORENSIC SEARCH PRIVILEGE LOG
RELATOR' PRELIMINARY CLASSIFICATION (DEC. 19. 2019)

Supp-249	8/12/2016	Neblett, Adonis (MPCA) <Adonis.Neblett@state.mn.us>	#MPCA_PCA Senior Managers <sdtnsupport.MPCA@state.mn.us>; Koelfgen, Katie E (MPCA) <katie.koelfgen@state.mn.us>; Wetzstein, Doug (MPCA) <doug.wetzstein@state.mn.us>; Biewen, Todd (MPCA) <todd.biewen@state.mn.us>; Stollenwerk, Jeff (MPCA) <jeff.stollenwerk@state.mn.us>; Foss, Ann (MPCA) <ann.foss@state.mn.us> Schmidt, Michael R (MPCA) <Michael.R.Schmidt@state.mn.us>	Email	Attorney communication with agency personnel	Attorney Client	In camera
Supp-250	8/12/2016			Email Attachment - PDF	Attorney communication with agency personnel	Attorney Client	No indicia

* Pursuant to Judge Guthmann's November 19, 2019 Amended Order Setting Evidentiary Hearing

*All classification:
of disputed
documents are

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Northmet EPA Call Notes

2016-08-11

REDACTED

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Redacted

2016-09-21

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Redacted

2016-10-04

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Redacted

2016-10-19

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REDACTED

2016-11-16

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Redacted

2017-01-04

REDACTED

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REDACTED

2017-01-11

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REDACTED

2017-01-25

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REDACTED

2017-03-09

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REDACTED

2017-03-22

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REDACTED

2017-04-06

Redacted

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REDACTED

2017-05-03

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Redacted

2017-05-31

REDACTED

2017-06-16

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Redacted

2017-08-23

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Redacted

2017-10-31

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REDACTED

2017-11-09

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Redacted

EPA call notes 2018-01-31

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EPA Call 2018-02-13

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2018-03-05

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2018-03-12

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REDACTED

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.		

Exhibit C-1

**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*

**DECLARATION OF
MICHAEL SCHMIDT**

Appellate Case Nos.
A19-0112
A19-0118
A19-0124

I, MICHAEL SCHMIDT, in accordance with section 358.116 of the Minnesota Statutes and rule 15 of the Minnesota Rules of General Practice, declare as follows:

Background

1. I served as Staff Attorney, State Program Administrative Coordinator for the Minnesota Pollution Control Agency (“MPCA”) from March 2015 until February 1, 2019. My responsibilities included, among other things, legally advising MPCA leadership and staff on permit development, permit enforcement, administrative rulemaking, and general agency matters. My legal work covered industrial wastewater, industrial stormwater, mining, Clean Water Act section 401 certifications, septic systems, and underground storage tanks. My primary focus was on water-quality matters.

2. I was involved in legally advising MPCA throughout the permit-development and issuance process for the Poly Met NorthMet mining project NPDES/SDS Permit No. MN0071013 (the “Poly Met Permit”).

Exhibit C-1

3. Before working at MPCA, I worked as a Water Quality Associate for the Minnesota Center for Environmental Advocacy (“MCEA”), one of the relators in this appeal.

4. I make this Declaration based on my personal knowledge and in support of MPCA’s sur-reply to WaterLegacy’s motion to transfer or stay this case.

MPCA-EPA Conference Calls Throughout the Permit-development Process

5. MPCA and EPA conducted twice-monthly conference calls about the Poly Met Permit from August 2016 until August 2017 and then conducted conference calls and meetings as necessary to resolve any concerns EPA had about different iterations of the draft permit.

6. Early on in the process, the conference calls were more conceptual than about specific permit language, problems, or solutions. At this early stage, MPCA permit-development staff would develop general permit approaches and ask EPA for feedback on a general approach. After those calls, MPCA staff members would use EPA’s feedback to draft permit language. As we approached the summer of 2017, the conference calls became less abstract and focused on particular permit language, specific concerns, and solutions to those concerns.

7. The purpose of these discussions through 2017 was to enable MPCA and EPA to collaborate effectively and efficiently to produce a good NPDES permit. From MPCA’s perspective, it would not have made sense to unilaterally develop a permit that

Exhibit C-1

EPA was likely to eventually object to. We sought EPA's feedback throughout the permit-development process to avoid having to change course after investing resources in developing a permit that did not satisfy EPA. We believed that it was more efficient to work together with EPA throughout the process and considered EPA's feedback in developing the draft permit that we put out for public comment. Given the complexity of the NorthMet project and Poly Met Permit, it would have been a waste of time, effort, and resources to proceed otherwise. The permit-development process works better if MPCA and EPA are on the same page.

The April 5, 2018, Conference Call Between MPCA and EPA

8. I was present for the April 5, 2018, conference call where EPA read comments about the pre-proposed draft version of the Poly Met Permit to MPCA staff. To my recollection, I was the only MPCA staff member to take notes during that call.

9. EPA's comments in the April 5, 2018, call consisted of concerns that EPA had already discussed with MPCA during the permit-development process. Those comments also overlapped with written comments that MPCA had received on the draft Poly Met Permit during the public-comment period that had ended on March 16, 2018 (about three weeks before the call).

10. Shortly before the April 5, 2018, conference call with EPA, I had reviewed written comments submitted by, among others, several of the relators in this appeal, including WaterLegacy, MCEA, and at least one of the tribes. As I took notes on the EPA

Exhibit C-1

call, I saw that (except for an issue concerning domestic wastewater) EPA's feedback overlapped with relators' written comments; thus, the issues raised by EPA's comments had already been raised by relators and other stakeholders.

WaterLegacy's Accusations Regarding EPA Feedback on the Poly Met Permit

11. At several points in WaterLegacy's Motion for transfer, WaterLegacy accuses MPCA of efforts to "suppress[]" EPA's feedback and to mislead the public by not disclosing in MPCA's response to comments that EPA's feedback overlapped with stakeholders' written comments that the latter had submitted during the public-comment period. *See* WaterLegacy Reply, at 1, 17–18. Those accusations are misguided. MPCA responded to comments received during the comment period, which satisfies MPCA's obligations under Minnesota law. MPCA provided oral responses to EPA feedback throughout the permit development process.

12. WaterLegacy cites approvingly to the process that MPCA undertook in the U.S. Steel Corporation Minntac tailings basin (the "Minntac Permit") as a model for how to address EPA written comments into responses and the draft permit, noting that "EPA's comments on the draft Minntac permit were provided in writing to MPCA, discussed in MPCA's Findings of Fact on the Minntac permit, and included in the administrative record for the public and this Court to review, along with MPCA's detailed responses to the substance of EPA's comments." *Id.* at 7. WaterLegacy argues that "MPCA's practices and the resulting deficiencies in the record are a marked divergence from other

Exhibit C-1

Minnesota NPDES permitting cases, where EPA's comments and MPCA's responses to those comments are part of the public record." *Id.* at 6.

13. I was also the staff attorney who worked on the Minntac Permit. MPCA applied exactly the same criteria addressing public comments and preserving the administrative record for the Minntac Permit as for the Poly Met Permit. The difference between the two is that EPA submitted written comments during the public comment period for the Minntac Permit but did not do so for the Poly Met Permit.

14. MPCA did respond to the "content of [EPA's] comments," *see* WaterLegacy Reply, at 6, in its responses to overlapping written comments by public commenters. It just did not attribute those comments to EPA, because EPA did not submit comments during the public comment period. In MPCA's responses to comments, we cross-referenced where multiple commenters raised the same issue. Had we included EPA comments in the responses to comments, we would only have cross-referenced to the responses that we had already made because EPA's concerns overlapped with the concerns of other stakeholders who submitted written comments. As a substantive matter, MPCA had already responded in writing to all of the concerns that EPA voiced to us orally. Thus, had we attributed certain substantive comments to EPA, we would not have changed the substance of the MPCA's responses at all. We would have just cross-referenced answers to the concerns EPA shared with other stakeholders (who actually submitted written comments that we could cite to).

Exhibit C-1

15. Based on my experience at MPCA, I cannot speak to whether it was common practice for EPA Region 5 to submit written comments on draft individual NPDES/SDS permits for complex projects like the NorthMet mining project. However, in my experience at MCEA—where we routinely submitted written comments on proposed NPDES/SDS permits to MPCA during the public-comment period—it was unusual for EPA to submit written comments on the projects that MCEA commented on.

16. Jeffry Fowley’s declaration in support of WaterLegacy’s reply states, “In my experience, if the EPA had agreed that all issues were resolved, it would have sent MPCA an email or letter confirming such a key fact.” WaterLegacy Reply Ex. F (Fowley Decl.) ¶ 17. I cannot speak to EPA Region 1’s practices, but in my experience, it was unusual for EPA Region 5 to send a letter to MPCA stating that, in its opinion, all issues with a proposed permit had been resolved and that EPA did not intend to object to the permit. Typically, we never expected any written communication of this kind from EPA Region 5. Generally, if EPA Region 5 did not have a problem with an MPCA permit, it wrote nothing at all.

17. At no point in time did MPCA ever have any intention or make any effort to conceal EPA’s involvement or concerns with the Poly Met Permit from the public. That was never once discussed. I was involved throughout the Poly Met Permit development-and-issuance process and worked closely with staff and leadership on these efforts. I never had any conversations, and I am not aware of any conversations among

Exhibit C-1

staff or leadership about suppressing EPA public comments or concealing EPA's involvement in the permit-development process. I have no knowledge of the alleged telephone call between former MPCA Commissioner John Linc Stine and EPA Region 5 Administrator Cathy Stepp "to complain about EPA's planned EPA staff written comments on the NorthMet permit." *See* WaterLegacy Reply, at 5. I never participated in, or heard of, any conversation in which EPA was discouraged from submitting written comments. I only learned after the close of the public comment period that EPA had not submitted written comments.

Minnesota Data Practices Act Policy and Best Practices

18. At several points in its reply, WaterLegacy states in reference to my handwritten notes from the April 5, 2018, conference call with EPA that "MPCA did not retain the notes MPCA staff took during this critical phone call, even though a Minnesota Government Data Practices Act request had already been made explicitly requesting any notes of phone conversations with EPA." *See* WaterLegacy Reply, at 1; *see generally id.* at 15–17.

19. My handwritten notes from the conference call with EPA were not covered under WaterLegacy's Data Practices Act ("DPA") request, because—as WaterLegacy acknowledges—it filed its request for "meeting notes and phone conversation notes pertaining to written or oral communications with EPA . . . on March 26, 2018, before the April 5, 2018 call and notetaking." *See id.* at 6. It was MPCA's policy, which was

Exhibit C-1

consistent with the Data Practices Act, that a records request applies only to documents in existence on or before the date of the request. MPCA's obligation to release responsive documents is not an ongoing obligation; if it were, there would be no way to adequately respond to and complete a records release, because more responsive records may always be created. My notes from the EPA conference call did not exist when WaterLegacy made its DPA request. Accordingly, my April 5, 2018, handwritten notes were not subject to release under WaterLegacy's March 26, 2018, DPA request.

20. I do not remember specifically what I did with my handwritten notes from the April 5 conference call, but I believe that I treated notes from this call the same way I treated other legal notes that I created during my time at MPCA. The notes that I would take on calls and in meetings were not verbatim transcriptions or notes about issues outside my purview as staff attorney. They were notes about the legal issues that the call or meeting raised in my mind so that I could properly advise MPCA in my capacity as a staff attorney. It was my general practice to "go paperless." I would not retain my handwritten notes, because I would integrate those notes into my typed legal work product. As a result, the handwritten notes would become superfluous because the relevant points were incorporated into my legal research and other legal work product.

21. Accordingly, when WaterLegacy made requests after the April 5, 2018, conference call, the handwritten notes themselves would have been gone and their remaining substance would have been properly withheld under the privilege exceptions

Exhibit C-1

of DPA section 13.393. Under this provision, if (as here) a record—such as attorney work product or the contents of a privileged attorney-client communication—would be protected in court, it is properly withheld under the DPA. Because I was acting in my capacity as attorney for MPCA, my notes and resulting legal work fall within this exception to the DPA. As our records releases to WaterLegacy show, MPCA would distinguish between non-legal documents (such as emails) and legal work product or advice. We would withhold records only pursuant to DPA section 13.393, under which my April 5, 2018, notes and subsequent legal research and work product fall. WaterLegacy states that “even data that might otherwise be shielded from view must be maintained as public data once a [DPA] request has been made.” *Id.* at 16. Insofar as I know, my legal research and resulting work product that grew out of my notes from the conference call may still exist, but they would not be subject to disclosure under DPA section 13.393.

22. WaterLegacy’s reply also cites to Minnesota Statutes section 15.17, which governs record preservation and retention, again approvingly citing to MPCA’s practices concerning the Minntac Permit. But I was responsible for advising MPCA staff and leadership on records preservation and retention requirements for both the Minntac Permit and Poly Met Permit. I provided the same advice, and MPCA’s processes and procedures were the same, in both instances.

Exhibit C-1

23. With respect to record preservation, when MPCA would receive a DPA request, it was agency practice for the records management staff or the staff attorney to (1) send an email to everyone who may have responsive records about preservation requirements, and (2) create a folder on a shared drive where everyone could deposit responsive records for compilation and my review. This process was identical for the Minntac Permit and the Poly Met Permit. For WaterLegacy's DPA request, I reviewed every record in the shared drive to ensure that all responsive records that were not otherwise subject to an exception were turned over. I ensured that we released every responsive record that we were required to disclose under the law.

24. With respect to record retention, I would regularly review MPCA's record-retention policy and advise MPCA staff and leadership on recordkeeping best practices. I gave staff-wide training on the retention policy and best practices, and I gave refresher advice to the staff working on the Minntac Permit (which process WaterLegacy cites as a model) and the Poly Met Permit.

My Email Exchange with Kevin Reuther

25. As WaterLegacy did in its original motion to transfer or stay, WaterLegacy continues to erroneously contend that MPCA acted in bad faith based on my reply to an email. In a December 17, 2018, email exchange I had with MCEA's Kevin Reuther, he asked whether I had "hear[d] anything from EPA on the PolyMet permit" and to forward to him "anything in writing" from EPA. *See id.* Ex. C, at 28. I responded, "We did not get

Exhibit C-1

any feedback from EPA on the PolyMet permit.” *Id.* WaterLegacy writes in its reply, “The *post hoc* characterization by MPCA’s counsel of the email to relator [MCEA] denying that any feedback had been received by [MPCA] on the permit as relating only [to] the permit’s October 25, 2018 version is nether supported by the evidence nor demonstrative of MPCA’s candor.” *Id.* at 17.

26. WaterLegacy persists in making an unfounded accusation. In fact, MPCA’s response memorandum accurately captured the context of this email exchange. *See* MPCA Response, at 9. Before receiving Mr. Reuther’s December 17, 2018, email, I had earlier communicated with him about the timing of EPA’s pending review of both the air-quality and water-quality permits for the NorthMet project. Before responding to him, I needed to check with Leslie Fredrickson (the staff attorney working on the air-quality permit) about the timing for the air permit. I interpreted the context of Mr. Reuther’s question as following up on EPA’s October 25, 2018, pre-proposed permit-review process (which MPCA had announced publicly), not about prior EPA review or feedback. I did not interpret Mr. Reuther’s email as an all-encompassing Data Practices Act request, which MCEA has regularly filed in the past. It was no secret that we had been working with EPA to develop the Poly Met Permit. Had I interpreted Mr. Reuther’s email as an inquiry into whether we had *ever* received any feedback from EPA about the Poly Met permit (a question that Mr. Reuther had no need to ask), I would have, of course, responded that we had.

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

Dated: June 12, 2019
Polk County
Des Moines, Iowa



Michael Schmidt
Former Staff Attorney, Program Admin. Coordinator
Minnesota Pollution Control Agency

Exhibit C-2

**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*

**DECLARATION OF
RICHARD CLARK, P.G.**

Appellate Case Nos.
A19-0112
A19-0118
A19-0124

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

Background

1. My job title is Supervisor, Metallic Mining Sector Unit, Water and Mining Section, Industrial Division, for the Minnesota Pollution Control Agency (“MPCA”). I have been employed by MPCA since July 23, 1986.

2. My job responsibilities have included developing and drafting National Pollutant Discharge Elimination System/State Disposal System Permit No. MN0071013 (“Water Permit”) for the Poly Met Mining, Inc. NorthMet Mine Project.

3. I was involved in developing the Water Permit from the beginning of preliminary discussions in 2015 until issuance on December 20, 2018. I also participated in regular meetings and conference calls with EPA during the development of the Water Permit, including the April 5, 2018, telephone call with EPA referenced in WaterLegacy’s May 17, 2019, Motion for Transfer to the District Court or, in the Alternative, for Stay Due to Irregular Procedures and Missing Documents (“Motion”).

Exhibit C-2

4. I submit this Declaration based on my personal knowledge and in support of MPCA's Response to WaterLegacy's Motion.

Development of the Water Permit in Consultation with EPA

5. Under normal circumstances, MPCA typically has limited, if any, discussions, meetings, or interactions with EPA during the permit-development period. Normally, MPCA drafts the permit and submits the draft permit to EPA shortly in advance of the public-comment period. EPA then has the opportunity to submit comments on the permit prior to the permit being placed on notice, or as is more typically the case, during the notice period itself. After the public comment period, MPCA may revise the draft permit as appropriate and then submits the proposed permit to EPA, which has the right to object to the issuance of the proposed permit. MPCA usually has limited, if any, discussions with EPA during the permit-development stage and does not interact with EPA about a permit until the public-comment period, if at all. MPCA always makes information about a permit available to EPA, however, and if EPA has comments, there may be (usually one) meeting or a conference call about EPA's comments.

6. However, in the case of the Water Permit, in my 33 years of experience developing NPDES/SDS permits with MPCA, EPA has never been as involved in the development of a permit from start to finish as it was with this permit.

7. MPCA and EPA began having discussions about the NorthMet project in 2015, long before Poly Met even submitted its permit application in the summer of 2016.

Exhibit C-2

8. The proposed NorthMet Project went through extensive environmental review with the Department of Natural Resources with input from MPCA and EPA as early as 2005.

9. MPCA wanted a method of receiving consistent EPA feedback throughout the permit-development process, so shortly before Poly Met submitted its completed permit application, MPCA and EPA jointly decided to hold twice-monthly conference calls that would take place throughout the permit-development process. These twice-monthly conference calls were unique to this permit. I have never before worked on a permit where MPCA and EPA had routine discussions throughout the entire permit-development process.

10. MPCA and EPA held the first conference call in August 2016, within a month of receiving PolyMet's permit application package. These calls were scheduled to be held twice monthly, but on occasion there was only one call per month due to scheduling issues. But there was always at least one call per month. These calls were held regularly until August 2017, when MPCA and EPA took a break from the calls so that MPCA could focus on drafting the permit and the fact sheet in light of discussions over the previous year with EPA. By that time, MPCA and EPA had discussed together all of the major issues that EPA had with the pre-proposed permit and MPCA fully understood and considered EPA's positions.

11. MPCA had begun drafting portions of the Water Permit long before August 2017. As MPCA and EPA resolved different issues on the twice-monthly conference calls, MPCA would integrate those solutions into the relevant parts of the draft permit. But after

Exhibit C-2

discussing all issues by August 2017, MPCA began to actively draft the remaining parts of the permit and the fact sheet and to tie together the parts of the permit that had already been drafted.

12. During this drafting period, MPCA and EPA met twice: on November 1, and November 9, 2017.

13. After completing the pre-comment draft permit, MPCA sent this version to EPA on January 18, 2018.

14. MPCA and EPA again had a conference call to discuss this version of the draft permit on January 31, 2018, and again during the public-comment period on February 13, 2018, and March 5, 2018.

15. On April 5, 2018, MPCA and EPA had a conference call in which EPA told us that it would read from its draft written comments. Mike Schmidt, an attorney with MPCA and another member of the Water Permit team, took notes on the call. After the call, MPCA reviewed the notes and we confirmed our impression of the call, which was that EPA had not raised any new, substantial concerns about the January 2018 public comment draft permit but had instead reiterated the principal concerns that it had previously raised in the twice-monthly calls and in-person meetings. In effect, EPA treated the call as a summary or compendium of all of its previous concerns about the public comment draft permit. There was no discussion or debate about the permit provisions on this call. It was simply an opportunity for EPA to summarize its feedback on the draft permit.

Exhibit C-2

16. One primary focus of EPA's comments involved the prohibition against unauthorized discharges. MPCA had included that prohibition in the draft permit, but EPA wanted to include more explicit conditions in the Water Permit. MPCA agreed to revise the phrasing to address this concern.

17. After the call and after reviewing the notes, MPCA found that EPA had not raised any issues during the call that had not already been fully discussed in previous calls. A number of these issues were not finally resolved, however, until a September 2018 meeting between MPCA and EPA.

18. On September 25 and 26, 2018, MPCA and EPA met for a two-day, in-person meeting about the appropriate terms for the next draft of the Water Permit - the post-public comment draft. At these meetings, there was an exchange of views about a number of issues concerning the draft permit. For instance, EPA wanted MPCA to add operating limits for additional parameters and had some concerns about the federal enforceability of the Water Permit. MPCA added the additional operating limits and committed to add a permit condition prohibiting the violation of any water-quality standard, which commitment satisfied EPA's concern about enforceability.

19. At the September 2018 meeting, EPA also wanted to ensure that there would be public participation if there were subsequent modifications to the Water Permit as a result of submittals such as engineering, groundwater, or monitoring reports etc., or as a result of adaptive-management changes. MPCA added language to the draft permit that increased EPA's assurance that any changes meeting the threshold for public review would be subject to notice and comment.

Exhibit C-2

20. At the conclusion of the September 2018 meeting, all the key issues had been discussed, and MPCA and EPA were in fundamental agreement on the required contents of the permit.

21. MPCA and EPA both left the meetings satisfied that they had made progress in developing a final version of the Water Permit. MPCA agreed to the remaining changes that EPA recommended, and I believe that EPA came away with a better understanding of what MPCA was trying to accomplish in the Water Permit. I had the impression that there were no remaining unresolvable issues.

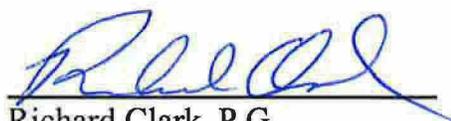
22. On October 25, 2018, MPCA sent EPA a new draft of the Water Permit. This new draft, which MPCA made available for public review on its website, incorporated the issue resolutions that MPCA and EPA reached at the September 2018 meeting. This initiated a 45-day review period by EPA. Towards the end of this review period EPA indicated they did not have any comments on the new draft permit.

23. On December 4, 2018, per previous agreement with EPA, MPCA sent EPA a final draft of the Water Permit for their final 15 day review. Except for some stylistic revisions and corrections of some typographical errors, the December 4 draft was essentially identical to the October 25 draft. Again, MPCA received no comments or objections from EPA.

24. Although MPCA gave EPA a total of 60 days (instead of the typical 15) to object to the draft permit, EPA did not object to MPCA issuing the draft Water Permit, which MPCA did on December 20, 2018.

Exhibit C-2

Dated: May 28, 2019
Ramsey County
St. Paul, Minnesota



Richard Clark, P.G.
Supervisor, Metallic Mining Sector Unit
Water and Mining Section, Industrial Div.
Minnesota Pollution Control Agency

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**Deposition of MPCA Designee Jeff Udd - 10/15/2019
In the Matter of the Denial of Contested Case Hearing Requests, et al.**

1 STATE OF MINNESOTA DISTRICT COURT
 2 COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT
 3 Court File No. 62-CV-19-4626
 Case Type: Civil Other/Misc.

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 5

In the Matter of the Denial of Contested
 6 Case Hearing Requests and Issuance of
 National Pollutant Discharge Elimination
 7 System/State Disposal System Permit No.
 MN0071013 for the Proposed NorthMet
 8 Project St. Louis county Hoyt Lakes and
 Babbitt Minnesota.

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 DEPOSITION OF
 MPCA DESIGNEE JEFF UDD
 BY WRITTEN QUESTIONS

Taken: October 15, 2019 By Mary Piehl, B.S.Ed, RPR

Deposition of MPCA Designee Jeff Udd - 10/15/2019
In the Matter of the Denial of Contested Case Hearing Requests, et al.

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1 Mr. Schwartz agreed that he would provide Relators
 2 with a copy of that, those notes.
 3 MR. SCHWARTZ: That's correct.
 4 MS. MACCABEE: And similarly, if Mr. Udd
 5 is referring to any notes in the course of the
 6 deposition, we would request as part of Question
 7 13 that we get a copy of those notes.
 8 MR. SCHWARTZ: We will provide.
 9 MS. MACCABEE: Thank you very much. And
 10 we'd like to mark ahead of time, these are
 11 Exhibits 1, 2, 3. 1 is the union's released or
 12 leak of an email from Shannon Lothhammer, and
 13 No. 2 is the Memorandum of Agreement with EPA and
 14 PCA, and No. 3 -- and both of these exhibits were
 15 provided as attachments to Questions For Written
 16 Deposition. And No. 3 is the letter that Relators
 17 sent on October 10th to counsel for MPCA. Thank
 18 you.
 19 (Exhibits Nos. 1-3 were marked for
 20 identification.)
 21 (The following instructions are read to
 22 the witness by the court reporter.)
 23
 24 DEFINITIONS & DIRECTIONS
 25

Page 7

1 **A. Please answer all questions with verbal**
 2 **responses, rather than a nod of the head or other**
 3 **non-verbal response;**
 4 **B. Please answer each question fully and to the**
 5 **best of your ability, and do not consult with your**
 6 **attorney while the questioning is underway;**
 7 **C. If you read from or refer to any document**
 8 **during your answers, please identify that document by**
 9 **Exhibit number or as set forth in the definition of**
 10 **"identify" below;**
 11 **D. If you are asked to "identify" a person or**
 12 **persons in a question, please provide that person's name,**
 13 **position, and the organization they were affiliated with**
 14 **during the relevant time period;**
 15 **E. If you are asked to "identify" a document or**
 16 **documents in a question, please name the author or**
 17 **authors, the recipients, the date and subject matter of**
 18 **the document, and the present custodian of the document;**
 19 **F. If you are asked to "identify" a permit issued**
 20 **by MPCA, please state the name of the facility and the**
 21 **date on which the permit was issued;**
 22 **G. If you are asked to "identify" a communication**
 23 **in a question, please state who the participants were to**
 24 **the communication, when the communication occurred, and**
 25 **the type of communication used (i.e. telephone call,**

Page 8

1 **email, etc.);**
 2 **H. "Administrative record" means the**
 3 **administrative record filed with the Minnesota Court of**
 4 **Appeals in Relators' appeals of the PolyMet NPDES Permit**
 5 **in case numbers A19-0112, A19-0118, A19-0124 (the**
 6 **"PolyMet NPDES Permit Appeal);**
 7 **I. "Comments" or "commented" of or by EPA means**
 8 **communication of suggestions, concerns, recommendations,**
 9 **requirements, or objections by EPA whether orally or**
 10 **verbally;**
 11 **J. "Data Practices Act" means the Minnesota**
 12 **Government Data Practices Act.**
 13 **K. "Declaration" means a declaration given in**
 14 **connection with the Motion for Transfer to the District**
 15 **Court or, in the Alternative, for Stay Due to Irregular**
 16 **Procedure and Missing Documents in the PolyMet NPDES**
 17 **Permit Appeal;**
 18 **L. "Discarded" means thrown away physically or**
 19 **deleted electronically;**
 20 **M. "Documents" means any written or recorded**
 21 **item, whether created or stored on paper, electronically,**
 22 **or any other format, including, but not limited to,**
 23 **notes, memoranda, agendas, emails, text messages, instant**
 24 **messages, calendars, phone logs, PowerPoint or other**
 25 **presentation programs, photographs, drawings, web ex**

Page 9

1 **materials, and tape recordings;**
 2 **N. "EPA" means the United States Environmental**
 3 **Protection Agency, and its employees, representatives,**
 4 **and agents;**
 5 **O. "MPCA" means the Minnesota Pollution Control**
 6 **Agency, and its employees, representatives, and agents;**
 7 **P. "NPDES" means National Pollutant Discharge**
 8 **Elimination System/State Disposal System as provided for**
 9 **in the Clean Water Act and implementing regulations;**
 10 **Q. "PolyMet" means Poly Met Mining, Inc., its**
 11 **parent entities and subsidiaries, and its employees,**
 12 **representatives, and agents, including counsel;**
 13 **R. "PolyMet NPDES Permit" means and refers to the**
 14 **NPDES permit issued to Poly Met Mining, Inc. by the MPCA**
 15 **on or about December 20, 2018;**
 16 **S. "Regarding" means and includes evidencing,**
 17 **reflecting, relating to, concerning, consisting of,**
 18 **comprising, discussing, recording, or in any way**
 19 **referring to or pertaining to;**
 20 **T. "Under MPCA's possession or control" means if**
 21 **MPCA has a practical ability to influence the person in**
 22 **possession to provide it or a right or privilege to**
 23 **examine it upon request or demand;**
 24 **U. "WQBELs" means water quality-based effluent**
 25 **limitations as provided for in the Clean Water Act and**

**Deposition of MPCA Designee Jeff Udd - 10/15/2019
In the Matter of the Denial of Contested Case Hearing Requests, et al.**

Page 10

1 implementing regulations; and
2 V. "You" or "your" refers to the Minnesota
3 Pollution Control Agency ("MPCA"), and its employees,
4 agents, and representatives, including, but not limited
5 to, counsel.

6 (The following written questions were
7 read to the witness by the court reporter.)

8
9 WRITTEN DEPOSITION QUESTIONS

10
11 1. The June 18, 2019 media release from the EPA union
12 leaking a portion of an email on March 13, 2018
13 from Shannon Lotthammer to Kurt Thiede is attached
14 as MPCA Exhibit 1. Ms. Lotthammer's email in MPCA
15 Exhibit 1 is entitled "FW: Minnesota Speaker's
16 Office." The email reads, in part, "We have asked
17 that EPA Region 5 not send a written comment
18 letter during the public comment period and
19 instead follow the steps outlined in the MOA, and
20 wait until we have reviewed and responded to
21 public comments and made associated changes before
22 sending comments from EPA." The email also refers
23 to additional notes below from MPCA Commissioner
24 John Linc Stine.

25 MR. NELSON: Just want to take a moment.

Page 12

1 conversation with the Speaker's Office about
2 sulfate legislation. Cathy Stepp at EPA forwarded
3 that on to John Linc Stine at MPCA. John Stine
4 replied to EPA and added Shannon Lotthammer as cc
5 to that email string. Shannon Lotthammer then
6 used that same email string to discuss the
7 application of the Memorandum of Agreement to the
8 PolyMet project, and the subject of the email was
9 never changed.

10 2. Michael Schmidt's declaration of June 12, 2019
11 (Paragraph 20) states with respect to the April 5,
12 2018 call between MPCA and EPA regarding the
13 PolyMet NPDES Permit, "I do not remember
14 specifically what I did with my handwritten notes"
15 and that Mr. Schmidt customarily would not retain
16 handwritten notes because he would integrate those
17 notes in a typed document.

18 (a) Has MPCA retained either Mr. Schmidt's
19 original handwritten notes of April 5, 2018 or his
20 typed document regarding the substance of that
21 call?

22 MR. SCHWARTZ: The witness may answer the
23 question, but at this point just want to register
24 an objection to lack of foundation for part of the
25 question. Having done that, the witness may

Page 11

1 Shannon Lotthammer was referred to as Sharon
2 Lotthammer.

3 (a) Please explain why Ms. Lotthammer's March
4 13, 2018 email was not produced in response to
5 WaterLegacy's five Data Practices Act requests
6 beginning on March 26, 2018 or Minnesota Center
7 for Environmental Advocacy's June 19, 2019 Data
8 Practices Act request.

9 THE WITNESS: Shannon Lotthammer regularly
10 managed her emails and it was deleted prior to any
11 outstanding EPA requests.

12 (b) If MPCA claims that Ms. Lotthammer's March
13 13, 2018 email has been discarded, state from
14 which paper files and computers it was discarded,
15 by whom and on what date.

16 THE WITNESS: Shannon did not print a copy
17 of the email she had deleted from the system, and
18 she doesn't recall the date that she deleted the
19 email.

20 (c) Explain why Ms. Lotthammer's March 13, 2018
21 email is entitled "FW: Minnesota Speaker's
22 Office."

23 THE WITNESS: The email string started as
24 an email generated by Kurt Thiede at EPA on an
25 unrelated subject. That subject was his

Page 13

1 answer.

2 THE WITNESS: No.

3 (b) If MPCA claims that Mr. Schmidt's typed
4 document regarding the substance of the April 5,
5 2018 call has been discarded, state from which
6 paper files and computers it was discarded, by
7 whom and on what date.

8 MR. SCHWARTZ: Again the witness may
9 answer the question, but I want to register an
10 objection to the lack of foundation.

11 THE WITNESS: The MPCA does not claim such
12 a typed document has been discarded.

13 3. The Memorandum of Agreement ("MOA") between MPCA
14 and EPA signed in 1974 and amended in 2000 to
15 reflect the Great Lakes Initiative, is attached as
16 MPCA Exhibit 2.

17 (a) Given MPA provisions pertaining to Section
18 124.22, including paragraph (8) on page 4, after
19 MPCA received EPA's November 3, 2016 letter
20 stating deficiencies in PolyMet's NPDES Permit
21 application, on what basis did MPCA conclude it
22 was entitled to proceed with the PolyMet NPDES
23 Permit?

24 THE WITNESS: The November EPA letter was
25 based on the initial permit application, which the

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<p>1 company submitted in July of 2016. They revised</p> <p>2 the permit application and submitted another one</p> <p>3 in October of 2017. Section 124.22, paragraph 7</p> <p>4 on page 4 of the MOA states "The director may</p> <p>5 assume, after verification of the receipt of the</p> <p>6 application, that no comment is forthcoming if he</p> <p>7 has received no response from the regional</p> <p>8 administrator at the end of 20 days."</p> <p>9 EPA did not provide any comments on the</p> <p>10 revised permit application at the end of 20 days,</p> <p>11 therefore MPCA concluded it could proceed.</p> <p>12 (b) Describe MPCA's discussions with EPA in</p> <p>13 2018 regarding potential amendment of the MOA to</p> <p>14 reflect a procedure specific to the PolyMet NPDES</p> <p>15 Permit, including for what purpose such</p> <p>16 discussions and how they were resolved.</p> <p>17 THE WITNESS: The MPCA is not aware of any</p> <p>18 such discussions.</p> <p>19 4. Since the 1974 MPA, identify every NPDES permit</p> <p>20 other than the PolyMet NPDES Permit for which EPA</p> <p>21 prepared written comments on the draft NPDES</p> <p>22 permit, did not send the written comments and,</p> <p>23 instead, read the comments aloud to MPCA.</p> <p>24 THE WITNESS: The MPCA is not aware of any.</p> <p>25 5. Since the 1974 MOA, identify every NPDES permit</p>	<p>1 MR. SCHWARTZ: When you say reviewed, we'll</p> <p>2 provide documents that conform to the question, in</p> <p>3 other words, as the question is stated we'll</p> <p>4 provide the documents.</p> <p>5 MS. MACCABEE: Thank you very much.</p> <p>6 MR. SCHWARTZ: Can we go off the record</p> <p>7 for a second?</p> <p>8 MR. NELSON: Yes.</p> <p>9 (A brief period of time was spent off the</p> <p>10 record.)</p> <p>11 (Exhibits Nos. 5-7 were marked for</p> <p>12 identification.)</p> <p>13 MR. NELSON: We're ready.</p> <p>14 MR. SCHWARTZ: Whenever you're ready.</p> <p>15 6. Since January 1, 2000, identify every NPDES permit</p> <p>16 where EPA commented upon or objected to MPCA's</p> <p>17 proposed final NPDES permit.</p> <p>18 THE WITNESS: A list was provided that's</p> <p>19 responsive to Question 6.</p> <p>20 MS. MACCABEE: That was Exhibit 5.</p> <p>21 7. Since what date has the MPCA anticipated the</p> <p>22 potential for litigation of the PolyMet NPDES</p> <p>23 Permit?</p> <p>24 MR. SCHWARTZ: I'm going to object</p> <p>25 and instruct the witness not to answer that</p>
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<p>1 where EPA commented upon or objected to MPCA's</p> <p>2 proposed final NPDES permit.</p> <p>3 MR. SCHWARTZ: And at this point I want to</p> <p>4 state for the record the parties have agreed and I</p> <p>5 believe the judge required that the start date for</p> <p>6 this question would be --</p> <p>7 MS. MACCABEE: 1990.</p> <p>8 MR. SCHWARTZ: Yeah, January 1, 1990, as</p> <p>9 opposed to 1974. But with that qualification, the</p> <p>10 witness may answer.</p> <p>11 THE WITNESS: I'm providing a list that is</p> <p>12 responsive to Question 5. It has Question 5 on</p> <p>13 topped of it.</p> <p>14 MR. NELSON: Mark that as Exhibit 4.</p> <p>15 (Exhibit No. 4 was marked for</p> <p>16 identification.)</p> <p>17 THE WITNESS: These are, these are all, 5,</p> <p>18 6, 7, 8, 9, and 10 are all in a pack.</p> <p>19 MS. MACCABEE: Mr. Schwartz, in connection</p> <p>20 with this list, in response to Question No. 13,</p> <p>21 are you going to provide us with all the documents</p> <p>22 that were reviewed to reach that conclusion?</p> <p>23 MR. SCHWARTZ: Yes.</p> <p>24 MS. MACCABEE: So we'll have a big pack of</p> <p>25 the documents.</p>	<p>1 question, based on Judge Guthmann's September 16th</p> <p>2 ruling.</p> <p>3 MS. MACCABEE: And Relators concur on that</p> <p>4 that's the ruling.</p> <p>5 8. Since January 1, 2010, state the date of every</p> <p>6 meeting MPCA had with EPA or with PolyMet related</p> <p>7 to the PolyMet NPDES Permit whether held in person</p> <p>8 or electronically.</p> <p>9 MR. SCHWARTZ: Yeah, again, I'm going to</p> <p>10 object to the question as written, but the parties</p> <p>11 have agreed that the start date will be July 11,</p> <p>12 2016 for Question 8. And the witness may answer</p> <p>13 on that basis.</p> <p>14 THE WITNESS: A list was provided that's</p> <p>15 responsive to Question 8.</p> <p>16 MS. MACCABEE: That list is Exhibit 6.</p> <p>17 9. Identify all meetings that MPCA has participated</p> <p>18 in since January 1, 2010 in which an applicant for</p> <p>19 an NPDES permit met with you and the EPA at the</p> <p>20 same time.</p> <p>21 THE WITNESS: A list was provided that's</p> <p>22 responsive to Question 9.</p> <p>23 MR. NELSON: That list was marked as</p> <p>24 Exhibit 7.</p> <p>25 10. In connection with MPCA's responses to public</p>

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1 comments on the draft PolyMet NPDES Permit;	1 former Mining Sector Director Ann Foss.
2 (a) Identify every person responsible for the	2 THE WITNESS: The agency has no documents
3 tasks involved in preparing responses to these	3 responsive to this request or the question.
4 public comments;	4 12. State whether MPCA's decision with respect to the
5 THE WITNESS: The people involved in	5 PolyMet NPDES Permit that operating limits, rather
6 preparing responses included Jim Robin, R-O-B-I-N,	6 than WQBELs would be sufficient to protect water
7 Stephanie Handeland, H-A-N-D-E-L-A-N-D, Richard	7 quality was influenced by your perceptions of the
8 Clark, C-L-A-R-K, Mike Schmidt, S-C-H-M-I-D-T,	8 character or experience of PolyMet's Executive
9 Brian Schweiss, S-C-H-W-E-I-S-S, Jeff Udd. All	9 Vice President for Environmental and Governmental
10 are employees of the MPCA or former employees of	10 Affairs, Brad Moore.
11 the MPCA, and Rich Schwartz, S-C-H-W-A-R-T-Z, who	11 MR. SCHWARTZ: I object to this question
12 was external counsel.	12 and instruct the witness not to answer, based on
13 MR. NELSON: If I may, Rich, if that's	13 Judge Guthmann's September 16, 2019 ruling.
14 okay, was that Ryan Schweiss or Brian Schweiss?	14 MS. MACCABEE: Relators believe this
15 THE WITNESS: Brian.	15 question should be answered, but we agree that the
16 MR. NELSON: Thank you.	16 court has ruled that it not be answered.
17 (b) State for each person responsible for	17 13. State MPCA's understanding, as of December 20,
18 preparing responses to public comments with what	18 2018, the date when the PolyMet NPDES Permit was
19 specific tasks that person was involved;	19 issued, whether the following documents would be
20 THE WITNESS: For Jim Robin, he managed	20 part of the administrative record provided to the
21 the external contractors, managed the overall	21 Court of Appeals, should the MPCA's permit
22 comment documents, and provided initial drafting	22 decision be appealed:
23 of responses to the common themes;	23 (a) EPA's written comments on the draft PolyMet
24 Stephanie Handeland drafted responses to	24 NPDES Permit;
25 individual comments;	25 THE WITNESS: As of December 20, 2018, the
Page 19	Page 21
1 Richard Clark drafted responses to individual	1 PCA did not have any written comments from the
2 comments and provided review of the comment	2 EPA.
3 responses;	3 (b) any notes from April 5, 2018, when EPA read
4 Mike Schmidt drafted responses to comments on	4 its comments on the draft PolyMet NPDES Permit to
5 the contested case hearing requests and provided	5 MPCA over the phone;
6 internal legal review of all responses;	6 THE WITNESS: As of December 20th, 2018,
7 Brian Schweiss provided internal technical	7 MPCA did not have any notes from the April 5, 2018
8 consultation on selected questions;	8 phone call with EPA.
9 Jeff Udd provided oversight of the comment	9 (c) Shannon Lotthammer's March 13, 2018 email
10 response process;	10 to Kurt Thiede;
11 And Rich Schwartz provided external legal	11 THE WITNESS: As of December 20, 2018, the
12 review of the responses.	12 MPCA did not have the March 13, 2018 email.
13 (c) Identify the dates on which each person	13 (d) any document indicating that EPA staff
14 responsible for preparing responses to public	14 believed that EPA's comments regarding the PolyMet
15 comments began and completed each of their tasks	15 NPDES Permit had not been fully resolved by the
16 identified in paragraph (b).	16 time the Permit was finalized.
17 MR. SCHWARTZ: I'm going to object to this	17 THE WITNESS: As of December 20, 2018, the
18 question and instruct the witness not to answer,	18 MPCA did not have any documents from EPA regarding
19 based on Judge Guthmann's September 16 ruling.	19 any unresolved issues of the permit.
20 MS. MACCABEE: And Relators agree that was	20 14. Identify all documents that were reviewed,
21 the court's ruling and the witness does not need	21 consulted, referred to or otherwise used in your
22 to answer.	22 preparation for or answers to each of the
23 11. Identify all documents, including journals or	23 foregoing questions.
24 notebooks, under MPCA's possession or control	24 THE WITNESS: I only relied on the
25 regarding MPCA mining permits prepared or kept by	25 exhibits provided by the Relators.

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1 MS. MACCABEE: Mr. Schwartz, we have a
2 huge list here of documents where there were
3 written comments on the draft permits, and those
4 were not documents that were provided by the
5 Relators, so I'm wondering where those documents
6 are.

7 MR. SCHWARTZ: Well, they would be -- let
8 me just look.

9 MS. MACCABEE: Let me just identify for
10 the record that I am speaking of Exhibit 5, and
11 Exhibit 4 is also a document that pertains to
12 identification of permits where there were
13 comments of some sort on a final permit. So we
14 would request all of the documents that were used
15 or referred to in any way for preparation of
16 Exhibits 4 and 5.

17 MR. SCHWARTZ: Those, this question asks
18 him to -- asked the witness to identify the
19 documents, and what you have in the two exhibits
20 is identification of those permits.

21 MS. MACCABEE: And what the court provided
22 for is that all the questions that identify all
23 documents should be responded to by providing the
24 actual documents.

25 MR. SCHWARTZ: Yes. We actually, I

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1 to check on.

2 MS. MACCABEE: Maybe we can have that
3 clarified on the record. I don't know if you want
4 to state.

5 MR. SCHWARTZ: It could be, it could be --
6 well, I actually, I actually don't know the
7 answer, so what we'll have to do is just check.

8 MS. MACCABEE: Maybe Mr. Udd can just
9 clarify on the record in terms of the lists of
10 meetings in Exhibit 6, were any sources used other
11 than the documents.

12 MR. SCHWARTZ: I think we'll check and
13 we'll get back to you on that.

14 MS. MACCABEE: Well, it has to be under
15 oath, sir. That's why I'm asking.

16 MR. SCHWARTZ: Well, we'll get back to
17 you. If we have to get back under oath we will.

18 MR. NELSON: Finally, Mr. Schwartz, you
19 also mentioned Stephanie Handeland, the notes that
20 she was reviewing during her testimony would be
21 provided?

22 MR. SCHWARTZ: Yes.

23 MR. NELSON: And we would also state that
24 the notes that Mr. Udd was referring to would be
25 provided?

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1 believe that when we get to the Request For
2 Production of Documents we'll be responding to
3 documents. My understanding was that where the
4 request was for identification of documents, that
5 because it's generally easier to just provide the
6 documents than to identify it, that that was an
7 option that we had, but that we could also
8 identify the documents where they were requested.

9 MS. MACCABEE: So if I understand you
10 correctly, that will be the documents that were
11 listed or used in the preparation of Exhibit 4 and
12 5 will be part of the Request For Production, and
13 will they be identified as such?

14 MR. SCHWARTZ: Assuming they're in the
15 RFP, that that is the case, I'll have to look back
16 and see if, see whether presumably you asked for
17 the documents rather than the identification.

18 MS. MACCABEE: Yes. And then I understand
19 from the statement of Mr. Udd that at least with
20 respect to meetings, were there any documents
21 reviewed other than the ones that were provided by
22 Relators? Because he just said that there were no
23 other documents other than the ones provided by
24 Relators.

25 MR. SCHWARTZ: That's something I'll have

Page 25

1 MR. SCHWARTZ: Yes.

2 MR. NELSON: Just wanted to clarify.

3 MS. MACCABEE: We said that.

4 MR. SCHWARTZ: Yes.

5 MS. MACCABEE: So the things that are
6 remaining to be resolved are if the witness's
7 response that the meetings reflected in Exhibit 6
8 are only based on the documents provided by
9 Relators, and then the other clarification I would
10 appreciate, counsel is going to provide the
11 documents as part of the Request For Production,
12 and Relators would ask that they be identified
13 according to which questions that he responded to.

14 MR. SCHWARTZ: Again, with respect to the
15 second question, I can tell you if, if the RFP
16 would request the actual documents, then we'll
17 provide them.

18 With respect to the first, what I might do,
19 actually, is just talk to the witness, and maybe
20 we could go off the record and I can talk to the
21 witness or we can talk to the witness and get back
22 to you.

23 MR. NELSON: So we'll keep the deposition
24 open and go off the record.

25 MR. SCHWARTZ: For the next few minutes.

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1 MR. NELSON: That's fine.
 2 (A brief recess was taken.)
 3 MR. SCHWARTZ: We can go back on the
 4 record. The answer with respect to the list of
 5 meetings is they came from --
 6 MS. MACCABEE: I think we need to have the
 7 witness answer the question.
 8 MR. SCHWARTZ: The witness will not answer
 9 the question, and the answer is that they came
 10 from Outlook calendars. We could print them all
 11 out for you if you want. We think it's probably
 12 not worth our time, but that's what we would have
 13 to do.
 14 MS. MACCABEE: I'm going to ask that --
 15 Mr. Udd, apparently your counsel made a statement.
 16 I'm going to ask you.
 17 MR. SCHWARTZ: No, he's not going to
 18 answer.
 19 MS. MACCABEE: So in other words, you're
 20 testifying for him.
 21 MR. SCHWARTZ: No, I'm answering as
 22 counsel for MPCA.
 23 MS. MACCABEE: That, we're going to object
 24 that counsel cannot answer questions in a
 25 deposition. We're asking a witness under oath to

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1 (WHEREUPON, at approximately 11:03 a.m.
 2 the foregoing deposition was concluded.)
 3 (The ORIGINAL EXHIBITS were attached to the
 4 ORIGINAL TRANSCRIPT.)
 5 (The ORIGINAL TRANSCRIPT was provided to
 6 ATTORNEY NELSON and copies to ATTORNEYS MILL and
 7 SCHWARTZ.)
 8 * * (END OF RECORD) * *

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1 have reflected the position of MPCA, so unless
 2 Mr. Schwartz wants to say that he's testifying
 3 under oath as to the source of the documents and
 4 the extent of the search looked at that, that is
 5 not a satisfactory answer.
 6 MR. SCHWARTZ: Well, Judge Guthmann also
 7 ruled there would be no follow up questions, so
 8 I'm answering as counsel for MPCA. And then we're
 9 just asking if you want us to print out the
 10 calendars we will, but that's what it would be.
 11 That's what it would take. So just whatever you
 12 want, just decide.
 13 MS. MACCABEE: Relators would like copies
 14 of the Outlook calendars and copies of any other
 15 documents that were consulted in order to
 16 determine a list of questions.
 17 MR. SCHWARTZ: Yes, we will provide it.
 18 MS. MACCABEE: And I'm sorry. In order to
 19 determine a list of meetings, and that's the list
 20 of meetings that's reflected in Exhibit 6 and
 21 Exhibit 7.
 22 MR. SCHWARTZ: I take it with that we're
 23 done.
 24 MR. NELSON: Yes.
 25

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1 ERRATA SHEET

2 Page/Ln	Correction	Reason Change
3		
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1 I, MPCA DESIGNEE JEFF UDD, have read this
2 deposition transcript pages 1 - 30 and acknowledge
3 herein its accuracy except as noted on the errata
4 sheet.
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Signature

Notary Public

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1 STATE OF MINNESOTA
2 COUNTY OF DAKOTA

3 I, MARY E. PIEHL, hereby certify that I
4 reported the Deposition by Written Questions of
5 MPCA DESIGNEE JEFF UDD on the 15th day of October,
6 2019 in St. Paul, Minnesota, and that the witness
7 was by me first duly sworn to tell the truth and
8 nothing but the truth concerning the matter in
9 controversy aforesaid;

10 That I was then and there a notary public
11 in and for the County of Dakota, State of
12 Minnesota; that by virtue thereof I was duly
13 authorized to administer an oath;

14 That the foregoing transcript is a true and
15 correct transcript of my stenographic notes in
16 said matter, transcribed under my direction and
17 control;

18 That the cost of the original has been
19 charged to the party who noticed the deposition
20 and that all parties who ordered copies have been
21 charged at the same rate for such copies;

22 That the reading and signing of the
23 deposition was not waived;

24 That I am not related to any of the parties
25 hereto nor interested in the outcome of the action
and have no contract with any attorneys, or
persons with an interest in the action that has a
substantial tendency to affect my impartiality.

WITNESS MY HAND AND SEAL THIS 24TH DAY OF
OCTOBER, 2019.

MARY E. PIEHL
Notary Public

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Exhibit C-4

Subject: Response to comments

Date: Thursday, September 6, 2018 at 4:03:44 PM Central Daylight Time

From: Oknich, MPCA (sent by FYDIBOHF23SPDLT </o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=9fb15cf7ae894973bf984d9629a0dda6-joknich>)

To: Kuskie, Melissa (MPCA)

Ok – I think I'm getting our response to comments process down, thanks to Sarah and Steph. I'll start working on a spreadsheet to mirror Richard's sorting spreadsheet asap, and use Sarah, Steph and Richard as my resources. If you have input on how it's formatted or what it contains, please let me know. It'll be in the non-public – PHE – 401 folder.

Jen Oknich

Wetland Hydrologist, MS, WDC, CSRE, CER, CFM
Minnesota Pollution Control Agency



Minnesota Pollution Control Agency

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

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Exhibit D-1

From: Foss, Ann (MPCA)
Sent: Monday, August 8, 2016 11:11 AM
To: Clark, Richard; Handeland, Stephanie (MPCA); Schmidt, Michael R (MPCA)
Subject: FW: EPA/MPCA SOP
Attachments: DRAFT SOP MPCA-EPA NPDES Mining v 7-1-13 MPCA version.docx

Privilege – Redacted

From: Carlson, Erik (MPCA)
Sent: Monday, December 23, 2013 2:01 PM
To: Pierard, Kevin (pierard.kevin@epa.gov)
Cc: Foss, Ann (MPCA)
Subject: EPA/MPCA SOP

Kevin,

We have edited the draft SOP you provided in July reflecting our latest coordination practices. We did not edit the flow charts and would suggest that they are not used because they are too prescriptive. Due to the somewhat extensive edits, I have only provided a clean version (as opposed to the red lined version). We look forward to any future discussion you would like to have on this.

Erik Carlson
Metallic Mining Section Supervisor
651-757-2626



Minnesota Pollution Control Agency

Exhibit D-2

Date: December 18, 2013

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STANDARD OPERATING PROCEDURES FOR
MPCA – EPA Region 5 NPDES/SDS Permits Joint Priority

Concurrence for Implementation:

Date: _____

Kevin Pierard, Chief
NPDES Programs Branch, EPA Region 5

Date: _____

Jeff Stollenwerk, Manager Water Section
Industrial Division, MPCA

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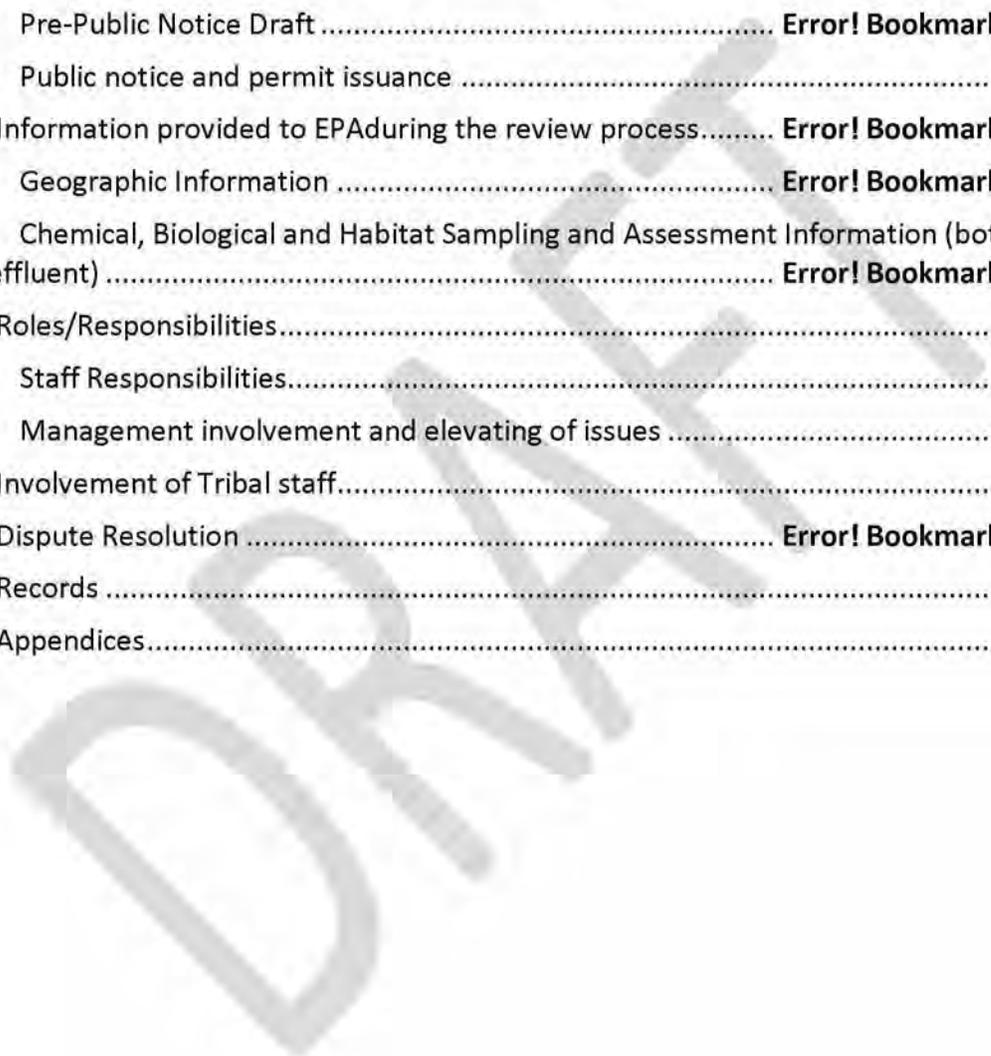


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1. Purpose of the SOP

The purpose of this Standard Operating Procedure (SOP) is to document the procedures used to implement the Joint Priority agreed upon between the Minnesota Pollution Control Agency's (MPCA) Industrial Division, Water Section, and U.S. Environmental Protection Agency (EPA), Region 5, National Pollutant Discharge Elimination System (NPDES) Programs Branch for issuing mining and mining related NPDES/SDS permits. The overall commitment is to work collaboratively to facilitate timely NPDES/SDS permit decisions. This process, outlined in this SOP with appendices, will help ensure that state issued permits are of high quality and comply with Federal requirements.

Thirty or more permits for new mining and mining related projects, and permit reissuances are expected to be worked on over the next five years. Due to the high volume of complex permits, this SOP was created to assist in managing workflow and communications between MPCA and EPA. EPA plans to review these permits consistent with its oversight responsibilities and commitments under the Joint Priority agreement.

2. Description of the permit review process

MPCA and EPA will be engaged on mining and mining related permits early in the process. There are three major types of mining permit actions that MPCA undertakes:

1. Re-issuances where the application was received in a timely manner and the permit has been continued administratively. This is the most common type of permit action.
2. New permits where proposed projects require environmental review. Where an Environmental Impact Statement is necessary, it is likely federal and state agencies will be involved in the preparation of that document.
3. Other new and modified permits where each process is tailored individually.

The permitting process begins when MPCA first engages with a company intending to submit an NPDES/SDS permit application. Timing and depth of EPA participation will be variable and contingent on the type of permitting action described above, the complexity of the proposed activity, information requirements for environmental review documents, and MPCA's experience on particular issues that may need to be addressed. MPCA and EPA will agree on EPA's involvement as soon as possible.

For permit re-issuances in particular, the permit review process has two components: 1) EPA's review of information and discussion with MPCA technical staff and 2) the resolution of disagreements with technical staff and managers. These two components will generally be managed at regular joint technical and management mining coordination meetings.

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Information Review and Resolution of Disagreements

EPA will work with MPCA on approaches to address difficult and complex issues in permitting mining facilities such as points of compliance; parameters of concern; limits; etc. An example of this is EPA's acceptance of the conceptual approach MPCA intends to use to establish a point of compliance for Cliffs Erie's tailings basin discharge. Once parties have agreement on the conceptual approach, MPCA will draft a factsheet-level justification along with data references and provide that to EPA for review. This justification will essentially be a draft of the factsheet for the specific issue at hand. EPA will review this document, review the data included or referenced in the document, and engage MPCA in discussion. Review of the draft of the factsheet will provide the basis for final agreement on the issue. The approach of first achieving conceptual agreement then final agreement will be used at various steps in the permitting process.

After facility specific issues are addressed between the agencies (likely after compliance points and effluent limits have been addressed) it is likely that MPCA will request supplemental permit application information from the company. With or without this supplemental permit information, MPCA will use the justifications, modified as necessary, to create the permit factsheet and draft permit. This approach is intended to avoid any major problems between the agencies on the draft permit and factsheet. MPCA will then provide the draft permit and factsheet to EPA for a comprehensive review prior to public notice.

A similar process as described above is likely to work for complex new permits. For other new and modified permits, the process may or may not reflect the process outline above. Overtime, it is expected EPA's oversight of MPCA mining permits will decrease.

Mining coordinating meetings (currently held bi-weekly) will be the forum where agreements—be they conceptual or final—are reached. Managers will be involved in the mining coordinating meetings. Involving managers is not intended to replace consensus based decision making and/or conflict resolution tools at the disposal of EPA and MPCA. It does not represent failure on either the part of the state or EPA staff. Although this process does not put EPA and MPCA staff side by side in evaluating data and working on permit and factsheet language, it is an enhanced oversight approach that should produce a quality product in a timely manner. It should be noted that EPA comments or concerns that run contrary to MPCA policy or business practices will not be resolved at the mining coordination meetings. If EPA or MPCA wishes to change a policy or business practice that discussion will happen in the appropriate forum and the issue as it pertains to a particular mining facility will be tabled until resolution is reached.

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Expectations

Quick and complete review of information and durable resolution of issues are the critical elements to efficiently moving through the permit reissuance process. Given the importance of the mining coordination meetings to efficient permit re-issuance, EPA will commit to do the following:

1. Provide staff resources necessary to complete review work in a timely fashion;
2. Contribute to discussions on potential solutions;
3. Communicate data needs clearly and with one voice; and
4. Communicate clearly when conceptual and final agreement on a topic has been reached.

In turn, MPCA will commit to do the following:

1. Provide staff resources necessary to quickly answer questions and provide data and drafts sections of factsheets;
2. Track resolution of issues;
3. Communicate needs clearly and with one voice; and
4. Communicate clearly when conceptual and final agreement on a topic has been reached.

2.1. Initiating Coordination

Before coordination begins between EPA and MPCA on a permit, the timing and depth of EPA involvement will be agreed to and the information that is available listed below will be provided to the EPA by MPCA.

- Identification of receiving waters;
- Identification of standards applicable to those waters;
- Identification of downstream water quality standards;
- Watershed assessments;
- CWA §303(d) listing status and whether or not there is a TMDL for those receiving waters;
- A description of groundwater flow and characterization, if applicable, and/or what work is planned to be or has been done to identify this information;
- Maps and figures, and a description, of how the applicant plans to manage stormwater;
- Major/minor permit status (if an existing permit);
- Identification of the water quality standards;
- Sources of additional information, including other data collected by MPCA, submitted to the MPCA by the applicant, or other parties, or an EIS or EIA, etc.; and
- Other special conditions anticipated.

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2.2. Application Submission

Upon receipt of a permit application, MPCA has 30 days to provide notification to the applicant that the application is complete or to request additional information or a revised permit application. Within 5 days of receipt of the permit application, MPCA will provide notification to the EPA that an application has been received. The application and supporting documents will also be provided. If deficiencies in the application require asking the applicant to revise the application or provide additional information, MPCA will inform the applicant that their application is not complete and make the request to the applicant in writing for additional information or a revised permit application within 30 days of MPCA's receipt of the original permit application. MPCA's request for a revised application and/or additional information will require a complete response from the applicant as soon as possible. If the applicant does not provide a timely and complete response, MPCA staff may consult with EPA staff to determine the best method to obtain a complete response. Options include an EPA request for additional information or revised permit application pursuant to CWA §308, a MPCA request under State information collection authority, or MPCA can deny the permit. Once the application has been found to be complete, MPCA will provide notice to the applicant that their application is complete.

2.3. Pre-public notice draft permit

Prior to development of the pre-public notice draft permit, EPA and MPCA staff shall attempt to reach agreement on the primary elements of a pre-public notice draft permit as described in Section 2. Once the agencies have finalized discussions on the primary elements of the pre-public notice draft permit, MPCA will draft and provide to EPA for review, a complete pre-public notice draft of the permit and a draft factsheet. EPA will provide feedback on the complete pre-public notice draft permit and factsheet. Issues that cannot be resolved at the staff level will be elevated to Branch management at EPA and MPCA management.

Variance Requests

If the permitting approach includes a request for a variance from water quality standards, that request must be submitted by MPCA to the EPA Water Quality Branch for approval.

General Conditions

EPA and MPCA are having ongoing discussions on revisions to the general conditions that MPCA includes in all NPDES and SDS permits. Once these revisions are finalized, the new language will be incorporated into all the permits reviewed under this SOP.

2.4. Public notice and permit issuance

MPCA will provide EPA with all public comments and the draft Response to Comments for expeditious

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review and discussion. If the MPCA Board needs to make a decision related to the permits, MPCA will provide EPA with a full Board item at the time of the Board mailing. If, despite following this SOP, unresolved concerns remain or arise, EPA reserves the right to comment and/or object to the permit in accordance with our MOA with MPCA.

3. Roles and responsibilities

This Section explains the roles and responsibilities of the EPA and MPCA staff and management level personnel involved in the drafting and review of NPDES/SDS permits for mining and mining related projects in Minnesota.

3.1. Staff Responsibilities

EPA NPDES Staff

- Mining lead: NPDES staff responsible for overseeing EPA's involvement with mining permits. Responsible for ensuring consistency in EPA's review of mining permits. MPCA's point of contact within EPA for topics and issues related to mining permits but not specific to any one permit.
- Permit reviewer: NPDES staff assigned to a specific mining permit. Responsible for review and comments on submittals from MPCA for a specific mining permit. Responsible for resolving permit specific issues or elevating to Mining lead or Branch management as appropriate.
- Storm water specialist (as needed): Responsible for assuring that issues related to storm water are resolved in a manner consistent with applicable federal policies and regulations.
- Water quality specialist (as needed): Responsible for conducting review of reasonable potential analysis. Responsible for assuring that effluent limitations are consistent with applicable federal standards and policies.

EPA staff from other branches

- Water quality branch: NPDES staff will consult with water quality branch, as needed, on matters related to interpretation of water quality standards. Water quality branch is MPCA's point of contact for any matters related to variances. Water quality branch has the lead on review and approval of variances.
- Water Enforcement and Compliance Assurance Branch: NPDES staff will consult with enforcement staff, as needed, on matters relating to compliance assurance.
- Watersheds & Wetlands Branch: NPDES staff will consult with Watersheds & Wetlands Branch, as needed, on matters related to wetlands, TMDLs or impaired waters.

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- Office of Regional Counsel: NPDES staff will seek advice from Office of Regional Counsel on matters such as permit objections, interpretation of federal laws and policies, and tribal rights.

EPA management

- Section Chief, Section 2, NPDES Programs Branch, Water Division: Dispute resolution process involving management will start with this first-line supervisor.
- Branch Chief, NPDES Programs Branch, Water Division: Disputes not resolved at Section Chief level will be raised to Branch Chief.
- Director, Water Division: Disputes not resolved at Branch Chief level will be raised to Division Director.

MPCA Permit Staff

- Permit writer: Reviews permit applications, drafts permits, acts as technical lead for permit. This is the contact person for EPA technical staff.
- Mining project coordinator: Tracks and manages work flows and tasks, facilitates meetings; identifies and issues that need to be elevated. Leads issue resolution process.
- Effluent Limits Unit staff: Performs reasonable potential analysis and provides permit writers effluent limits.

MPCA Management

- Section Supervisors: Oversees project-related work, helps to resolve issues, makes project-related decisions that do not require elevation.
- Section Managers: Addresses issues elevated from supervisors, resolves regulatory issues affecting multiple projects, and helps resolve policy-level disagreements.
- Division Directors: Addresses issues elevated from Section Managers and makes decisions on interpretation and application of MPCA policy.

4. Involvement of Tribal staff

Many or all of the upcoming permit issuances and reissuances will be occurring upstream of tribal lands, and/or within the ceded territories. Each agency will adhere to their internal processes related to tribal involvement.

5. Records

The MPCA staff is responsible for assuring that the administrative record for the permit decision is complete. The state record will be kept at the MPCA's St. Paul Office.

EPA permit reviewer is responsible for assuring that the federal record is complete. The federal record will be kept in the NPDES file room at the Region 5 office in Chicago, Illinois.

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6. Appendices

Appendix 1: Joint Priority

Appendix 2: MPCA/EPA MOA

Appendix 3: List of upcoming NPDES permits (updated from JP document)

DRAFT

Exhibit D-3

Subject: FW: Polymet NPDES Requirements

Date: Thursday, August 18, 2016 at 9:55:02 AM Central Daylight Time

From: Foss, Ann (MPCA) (sent by FYDIBOHF23SPDLTMPCA </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP /CN=RECIPIENTS/CN=FOSS, ANN CB5FCCB8-6C32-43E4-992C-B367F71B7DA5>)

To: Stollenwerk, Jeff (MPCA)

From: Pierard, Kevin [mailto:pierard.kevin@epa.gov]

Sent: Thursday, April 09, 2015 4:44 PM

To: Foss, Ann (MPCA)

Cc: Flood, Rebecca (MPCA); Hyde, Tinka

Subject: RE: Polymet NPDES Requirements

Ann – as I stated in my original email our intent was to document what we believe were verbal agreements made concerning the likely approaches PCA would take to permitting and addressing primary concerns raised, which had not been otherwise documented. Some of these topics were addressed some time ago but to my knowledge there was never any written acknowledgment of agreement, positions or rationale which is important for informing permitting staff and managers rather than relying on recollections. Once the permit application is provided I am sure we will be evaluating these concepts again and make any needed adjustments but the basic principles will likely remain constant. The note was not intended to renew discussions on Northmet permitting as we did not believe that this action was likely in the near future but we look forward to discussing the correspondence with you and your staff to alleviate any concerns. I will ask Krista to work with Stephanie to get this set up.

From: Foss, Ann (MPCA) [mailto:ann.foss@state.mn.us]

Sent: Thursday, April 09, 2015 3:46 PM

To: Pierard, Kevin

Cc: Flood, Rebecca (MPCA); Hyde, Tinka

Subject: RE: Polymet NPDES Requirements

Kevin,

As we discussed when I called you today, it has been quite some time since we have had conversations related to permitting (6-12 months). If you felt it was time to renew discussions about potential permitting of the Northmet why wouldn't you first convey that to me. If you had conveyed the need for such discussions, I would have suggested a meeting/conference call to refresh everyone's memory on previous discussions and how topics have evolved. Some of the discussions mentioned in your email were several years ago.

It is important to note that the state has not started in depth permitting conversations with the company and does not yet have a timeframe for doing that.

I propose that we set up a conference call to discuss your email and attachments. Your email and attached memo have inaccuracies and outdated information. We can discuss this in detail during the call. MPCA participants will be Richard Clark, Stephanie Handeland and myself. Please have Krista work with Stephanie to set something up. We should plan on a minimum of 2 hours.

Exhibit D-3

As we discussed, typically at the start of a permitting process, we have a conversation of what issues need to be worked through and develop a process and schedule for doing that. Typically there is some documentation of this process. Right now, it is too early to start the permitting process but we could start a list of issues that will need to be worked through during permitting. This would be documented and saved.

Once we start permitting, we would have a kick-off conversation to refresh memories again, dust off the list of issues and add, delete, edit as appropriate and move forward.

I understand your wish to document future discussions, summarizing both areas of agreement and also points where we may choose to agree to disagree. I assume that documentation would occur shortly after conversations to ensure accuracy and that each party would ensure the accuracy of any documentation..

In the future, if either of us has an issue, I would suggest the following process:

- Contact each other by phone to discuss
- Set up a future conference call with others, if needed
- At end of call, summarize discussion and discuss need to document
- If it is agreed that documentation of certain items is needed, agree who will draft and by when.
- Recognize that approaches and projects evolve, sometimes rapidly

As noted above, please have Krista work with Stephanie to set up a call.

Thanks, Ann

From: Pierard, Kevin [<mailto:pierard.kevin@epa.gov>]
Sent: Tuesday, April 07, 2015 11:33 AM
To: Foss, Ann (MPCA)
Subject: Polymet NPDES Requirements

Hi Ann,

During our review of the proposed Polymet - Northmet (Northmet) project related documents and Environmental Impact Statement (EIS) drafts we had several conversations concerning EPA's comments relative to the Clean Water Act (CWA) and specifically to future National Pollutant Discharge Elimination System (NPDES) permitting for the proposed Northmet project. The Minnesota Pollution Control Agency (MPCA) requested that specific responses to our comments on NPDES related issues be deferred to the permitting phase of the project rather than during the EIS development phase. EPA accommodated that request. Since many decisions concerning NPDES were not specifically summarized in writing I thought it would be helpful to do so to assure shared understanding of the issues and documentation of decisions and approaches we agreed upon. Accordingly, I am writing this note to document our understanding of MPCA's anticipated approach to address proposed discharges of pollutants to waters of the United States through NPDES permitting, and to explain EPA's position regarding the applicability of NPDES permit requirements for point source discharges of pollutants to surface waters, including those that occur via subsurface flow. We note that because these issues were deferred to permitting during the process to develop the EIS, we do not anticipate that the information in the EIS will necessarily be sufficient to address the concerns we have enumerated, and we anticipate that MPCA will be working with Northmet to ensure the development of a sufficient record to support

Exhibit D-3

NPDES permit issuance.

Discharges are proposed for the Northmet site which require NPDES permit coverage in order to be in compliance with the CWA. The project proponent has a duty to submit an NPDES permit application to seek coverage for all proposed pollutant discharges, so that the permit can be in place when the proposed pollutant discharges occur. The MPCA is responsible for issuing an NPDES permit, where appropriate, that contains conditions and limits which assure compliance with all applicable requirements of the CWA and regulations, including limitations controlling all pollutants which are determined to cause or have reasonable potential to cause or contribute to an excursion from any state WQS. The enclosure highlights the more significant issues that we have identified to date for this facility and that must be addressed during the NPDES permitting process.

Although we have spoken many times regarding these concerns please let me know if you have any questions or would like to discuss further. In addition, we look forward to working with you to assure timely decisions on new and expired mining permits consistent with our joint priority.

Please see the attachment for some more information on the NPDES applicability to the Northmet project.

Exhibit D-4

**MPCA / EPA Permitting Discussion Agenda
Poly Met Mining, Inc.****August 24, 2016
10:00AM – 11:00AM CST****Location:** Conference Call**Dial-in number:** 888-742-5095**Conference code:** 7361887576

- 1) Potential discussion topics – any new items to add to MPCA list of agenda topics?*
- 2) Status of EPA review of permit application
- 3) 40 CFR Part 440.104 (Allowable discharge of wastewater)
- 4) Follow up items for next meeting:
 - a. MPCA
 - b. EPA
- 5) Communication, documentation, and record management process.
 - a. Documentation of 8/24/16 discussion
- 6) Plan for next meeting(s).
 - a. 9/7/16
 - b. 9/21/16

Webex capability?

*See attachment "Updated Draft Proposed Discussion Topics (EPA) – 8/24/16"

Exhibit D-4

Exhibit D-4

Updated DRAFT Proposed Discussion Topics (EPA) – 8/24/16Phase 1

- Antidegradation of surface water
 - Plant Site
 - Mine Site
- Reasonable potential / Effluent Limits
- Conductivity – potential draft EPA criteria
- Demonstration of no discharge to waters of the U.S.
 - Mine Site
 - Plant Site
- 40 CFR Part 440.104 (Subpart J) (Allowable discharge of wastewater)
- Tailings basin area construction water management
- Flushing of legacy pollutants once trench is installed/operating
- Lessons learned from Ohio mining permit application reviews
- Communication, documentation, and record management process

Phase 2

- North flow path
- Mine Site & Plant Site Monitoring
 - Locations
 - Parameters
- Baseline exceedances of surface water standards (non-legacy)

Phase 3

- Performance verification of FTB seepage collection system
- Construction Stormwater and Industrial Stormwater coverage
 - CSW coverage vs. ISW coverage
- Sulfate discharge at plant site
 - 10 mg/L vs new standard
- Transportation corridor monitoring

*Topics for discussion are grouped by timing aspect and not necessarily in order of importance.

**Send relevant pages to application re: Allowable disch.*

Disclaimer: This document is a working document. This document may change over time as a result of new information, further deliberation or other factors not yet known to the agency.

Exhibit D-4

Mark Ackerman
Krista McKim
Kenin Pierard
Scott Ireland

Jillian Roundtree
Candice Bauer
Barbara Wester
Mark Compton

EPA Call

1/31/18

☐ ** Set up every other week call w/ EPA during PN period.

EPA

(KM)

RP Analysis - GLI procedures weren't references
- TSD wasn't referenced
- MPCA - procedures to conduct RP analysis

RC - PCA used a qualitative approach. Looked at treatment being proposed
- Membrane/RO/NF - establish target goal for effluent then design system to meet effluent target.
- System is designed to never exceed 10 mg/l 5 day.

☒

** Send EPA background data from pilot study/modeling
(Design + Operation Report)

(KM) Concerned about Hg - was it evaluated in pilot study?

(RC) Pilot testing + modeling showed Hg would be $< 1.3 \text{ ng/l}$ (GLI)

(KM) EPA not comfortable w/ lack of WABELS

(CB?) EPA thinks there should be WABEL even though there is no data/RP.

(KM) Wants to see data reviewed for each parameter listed in the application for parameters believed present.

- PW Manual refers to TSD for situations/procedures to follow when there is no data (GLI, 132)

(KP) Application states constituents that may be present

- Permit shield issue

- Limits provide degree of assurance WQS will be met

- EPA would establish limits - but would remove limits later based on real operating data ^{permits}

RP continued

- KP Application provided info (data) of expected effluent quality
- KM Michigan has issued permits for WRBELS where there is no data
 - Concerned about actual discharge quality - will it actually be able to meet effluent limits?/was.
 - What is true ~~eff~~ influent quality
 - A lot of uncertainty in operation
- KP permittee will be shielded - PCA should establish limits in 1st permit, then remove limits later permits
 - concerned about downstream users (Tribe) Hy.

□ Revisit RP on next call.

BW Does the RP analysis take into account changes in WR from TB as the facility operates?

PC Pilot looked at short term + long term influent quality

EPA Call

Mine site discharge prohibition

1/31/18

KM How will PCA evaluate compliance w/ discharge prohibition

RC - Engineering controls at mine site
- Monitoring - Comprehensive Monitoring Report
Annual Analyses of monitoring data

KP - Concerned about Mine site. Want to make sure there is no migration of groundwater off the mine site.

RC We have background data from EIS wells we can use to compare sample data

CB Is a measurable increase a violation? How would the narrative be implemented?

RC If data suggests a discharge is possible, adaptive management must be implemented.

KM Concerned if adaptive management is needed a permit mod would not be used for changes.

BW Same concern as KM - wants permits to be modified if adaptive mgmt is needed or if additional work as required by reports. How will this be tracked + enforced?

KP Concern about permit mod being built in w/o going through the modification process.

RC PCA could add language to address EPA concern to state the permit is subject to permit modification for requirements that could trigger additional work or adaptive mgmt.

BW Could we build in more language re: modifications of permits. What would trigger a mod.

 Concern re: modifications (if needed)

(KM) ELG² (Allowable Discharge)
- EPA will review again

PCA - Future Call -
Want to talk about communication

Meeting 1.5 hrs / 2 weeks

For Next call - Get Pilot Data to EPA

Mark Ackerman
Cardice Bower
Krista McKim
Kevin Piccard

Mark Compton
Jillian Roundtree
Barbara Wester

EPA Call

2/13/18

☐ Mark Ackerman - send map links (difficult to read)

Mark Ackerman

- Permit has TBEs which are higher than WQS. This could authorize a discharge above WQ.
- RC - No RP. System designed to treat SO₄ to 10 which will treat metals down to WQS.
- MA - Not clear how meeting SO₄ target will meet metal criteria. How is achieving SO₄ meeting WQS for metals.
- RC - System engineered to have membrane pore size to capture the charge + size of various metals ions
- MA - Hg - Pilot study was not conclusive for Hg.
- RC - Influent to WWTS has low concentrations Hg due to turquoise tailings removing Hg.
- CB - What about influent from Mine Site?
- RC - Water from mine site goes to WWTP - metals are removed. Effluent from ~~that~~ portion of the WWTS discharges to FTB. Its basically treated 2x
- KM - Have we thought about uncertainty - how well will the treatment system work.
- MA - What was the scale of the Pilot Study in relation to operation? How does this affect potential uncertainty?
- RC - The degree of treatment can manage uncertainty by operating nanofiltration/RO. Its a modular system - easy to add membranes + provide additional treatment if needed
- MA - How quickly can they modify ~~the~~ system
- RC - Company plans to route effluent to TB during start up.

CB What would trigger operational changes?
 RC 9 mg/l as operating target. Pre-approved SO₄ Reduction Evaluation Plan
 MC What happens if they violate operating limit?
 KM There is not a lot of data re: variability in discharge? How does MPCA handle variability?

RC Membrane treatment should not have much variability - you would see trends (as membranes are used). They can adjust RO + NF. Data from Eagle Mine did not show much variability over several years.

□ MA Lime addition - What consideration was given for variability in lime addition - How was AI considered?

RC MPCA will check w/ Engineer + report back next call. Also there will not be a lot of variability in influent.

□ MA How can system be adjusted for large swings in influent concentrations

RC MPCA will check w/ Engineer
 KP EPA would establish limits either internal or effluent. Limits are just for TBEL^s. It doesn't seem the company would have to adjust operations to meet TBEL^s. EPA doesn't trust RO reliability.

RC Operating limit for Cu (WQS).

□ Send Mark Acherann potential mtg dates ~ 2 wks

EPA call continued

2/13/18

Stormwater

- KM What/where is stormwater coverage?
- RC This permit does not cover stormwater / authorize discharge of CSW.
- RC CSW applies until WWTS is operational
- MC How does MPCA distinguish between CSW + mine dewatering.
- KM Concerned about Hg from wetland drainage. How has Hg in wetlands been considered

- RC MPCA will look into Hg issue
- Look for emails/EPA on wetlands re Hg during dewatering

Cliffs Eric Permits

- RC Will transfer CE-TB permit to PolyMet concurrent w/ PolyMet/Northmet permit along w/ Consent Decree ~ 18 months for attenuation of legacy pollution. Consent Decree will remain.
- KM Area 5?
- KP When will permit transfer occur?
- RC At same time or before permit decision on NM Permit is made
- KP When is trench constructed?
- RC Time to construct + 18 months ~ 36 months
- MC What is the trigger to change permits?
- RC Based on attenuation process ~ 18 months after operation.
- KM Based on PolyMet requesting termination? RC = Yes.

- KM Is there a requirement stating when seepage capture system is operational? When is PolyMet allowed to start using the TB? Is this a permit requirement?

- KP Company should be required to have spare parts on site (pumps, etc...)
- Also relevant to WWTS. Requirement to keep extra parts on hand.
- RC MPCA will consider

□ If we have an operating limit for Cu, the rest of the metals will be treated to WQS. Consider explanation by Scott/Brian. Focus on parameters w/ TBELE - Will need for potential comments

[Faint, mostly illegible handwritten notes in the lower half of the page, possibly including a list or detailed notes related to the main point above.]

EPA Call

3/5/18

WWTS

- KM Hg - how was it analyzed during pilot study?
Treating SO₄ to 10 - how will it treat metals?
- still wants to see a 'spreadsheet' / quantitative data/analysis
- Brian IF copper meets standards - the membrane treatment system functions similarly to other metals.
- RC Company used P90 - higher flow/concentrations for its analysis.
- Brian There is redundancy - if the largest unit is out of service, the remaining units can treat the P90 flow.
- Candice IF units are OFFline - is there extra monitoring? - No
- KM IF Hg is being exceeded, are there specific corrective actions?
- RC - It is handled by adjusting treatment accordingly. Permit does not have specific actions required for any other parameter than SO₄
- Internal discussion on Hg limit for WQS vs TBEL.
 - Check narrative statement for meeting WQS - exception for TBELS
 - Copper - operating limit vs TBEL
- KM What authority are we applying the operating limits for Cu/SO₄
- Barbara - put the state authority to enforce internal controls in the permit
↳ 6.16.2 or 6.16.4 (FC Chapter) - check on this → get back to EPA

KM Is there a requirement for the Permittee to use high quality lime manufactured product

RC That was the product chosen in their design

BW Where in the permit would this be required?

RC Consider requirement to use high quality lime for stabilization

BW Set limit for Al in the permit - PCA will consider

RC Maybe PCA can consider effluent limits for metals - discuss w/ Jeff
- Noted this time - NO RP.
- Wait until after PN

Cliffs Permit Transfer

* Will PolyMet ~~not~~ request termination of TB permit?

-- Mike will follow up

BW What portions of CE permits will be taking over by PolyMet?

RC Transfer 54089 to PolyMet

KM SDO26?

Udd Comments

KP EPA wants to submit comments - Make clear what EPA concerns are.

Clarify permit conditions

EPA will submit comments during PN period.

KP EPA will discuss draft comments

* Set up call early next week - (9 or 11, or 10 Monday)

BW Does PCA retain authority to do unannounced inspections?

- Permit is standard language 6.16.13

115.04; 115B.17, subp. 4
116.091

700i.0150 subp. 3(i)

Exhibit D-6

Message

From: Korleski, Christopher [korleski.christopher@epa.gov]
Sent: 3/5/2018 5:20:03 PM
To: Pierard, Kevin [pierard.kevin@epa.gov]; Bauer, Candice [bauer.candice@epa.gov]
Subject: RE: Status of Polymet NPDES Permit

Perfect – thanks.

From: Pierard, Kevin
Sent: Monday, March 05, 2018 11:14 AM
To: Korleski, Christopher <korleski.christopher@epa.gov>; Bauer, Candice <bauer.candice@epa.gov>
Subject: RE: Status of Polymet NPDES Permit

We just finished a routine call with PCA on this permit and are on an internal follow-up call now. The permit is on PN until March 16. This is our deadline for providing comments, NOT OBJECTION OR NON-OBJECTION, just comments. We have a draft comment letter prepared and will discuss with you tomorrow. We have some serious but not insurmountable concerns that PCA is considering. Our discussions have been cordial, no conflicts but they may not necessarily agree with each comment. PCA is talking with Stine today to provide an update. There has been some press on the permit expressing concerns. I expect that PCA may ask us not to comment.

From: Korleski, Christopher
Sent: Monday, March 05, 2018 11:04 AM
To: Pierard, Kevin <pierard.kevin@epa.gov>; Bauer, Candice <bauer.candice@epa.gov>
Subject: Status of Polymet NPDES Permit

In 25 words or less (or just call me) , what is the status of the NPDES permit and what is our deadline for taking whatever action we might want to take?

Thanks

Chris Korleski
Director, Water Division, Region 5
U.S. Environmental Protection Agency
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Chicago, IL 60604
312 886-1432 (Liz Rosado, Assistant)
312 353-5498 (General Office Number)
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