

General information

Public comment period begins: January 31, 2018

Public comment period ends: 4:30 p.m. on March 16, 2018

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to certify the referenced project, with conditions, and has preliminarily determined that the project will satisfy the antidegradation standards in Minn. R. 7050.0265.

Name and address of Applicant:

Ms. Jennifer Saran
Poly Met Mining, Inc.
Environmental Permitting &
Compliance Director
Suite 2060, 444 Cedar Street
St. Paul, MN 55110

Project name and location:

NorthMet Project
6500 County Road 666
Hoyt Lakes, MN 55750
St. Louis County

MPCA contact information:

PolyMet 401 Certification Comment – 4th floor
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Web Portal: <http://polymet.mn.gov/>

Phone: (651) 757-2455 or (833) 722-9016

Federal Permitting Agency:

Mr. Chad Konickson
U.S. Army Corps of Engineers
Regulatory Branch Chief Director
180 Fifth Street East, Suite 700
St. Paul, MN 55101

A draft 401 certification, antidegradation determination, and fact sheet are available for review on the MPCA Public Notices webpage at <http://www.pca.state.mn.us/publicnotices>, the MPCA PolyMet webpage at <http://www.pca.state.mn.us/northmet>, or at the MPCA office address listed above. The MPCA will mail or email a copy of the draft certification upon request. Comments, petitions, and other requests must be received at the MPCA in writing via the State Web Portal or by mail on or before the public comment period end date and time identified above.

Major Watershed: St. Louis River

Sub-watersheds: Embarrass River (wetlands draining to Trimble and Unnamed Creeks); Partridge River (wetlands draining to Second Creek)

Description of Issuance for 401 Water Quality Certification for NorthMet Project

Poly Met Mining, Inc. (PolyMet) proposes to impact 127 wetlands, covering a total of approximately 930.2 acres, in the development of the proposed NorthMet Project mine and processing facilities. Direct impacts from excavation and/or fill are proposed for 903.3 acres of wetland, and an additional 26.9 acres would become fragmented wetlands (the remnants of a directly-impacted wetland). PolyMet has proposed to mitigate these impacts through the purchase of credits from the Superior Mitigation Bank, located in Bank Service Area 1 in the St. Louis River watershed.

The preliminary determination to issue this 401 water quality certification is tentative.

Procedure for public participation

As stated in Minn. R. chs. 7000 and 7001, there are three formal procedures for public participation in the MPCA's consideration of this matter. Interested persons may:

- (1) Submit written comments on the draft certification and antidegradation determination.
- (2) Petition the MPCA to hold a public informational meeting.
- (3) Petition the MPCA to hold a contested case hearing.

Submitting written comments

Comments can be submitted in three ways:

- (1) Comments may be submitted by US mail to the following address:
PolyMet 401 Certification Comment – 4th Floor
Minnesota Pollution Control Agency
520 Lafayette Road North
St Paul, MN 55155
- (2) Comments may be submitted online at the state of Minnesota PolyMet portal: <http://polymet.mn.gov/>
- (3) Comment at a public informational meeting. See details below.

To submit comments or petitions to the MPCA through the mail or email, you must state:

- (1) Your interest in the request for 401 water quality certification or the draft 401 water quality certification.
- (2) The action you wish the MPCA to take, including specific references to the section of the draft 401 water quality certification you believe should be changed.
- (3) The reasons supporting your position, stated with sufficient specificity as to allow the MPCA to investigate the merits of the position.

Public informational meeting

A public informational meeting is an informal meeting during which interested persons can ask questions concerning the proposed facility. MPCA staff will be present to provide information. If an interested person would like the MPCA to hold a public informational meeting, the person should include all information identified above and in addition include a statement of the reasons the person desires the MPCA to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting. The MPCA will host public informational meetings to discuss a draft air permit, a draft water quality permit, and a draft 401 certification for the NorthMet Project:

- (1) Wednesday, February 7, 2018
Mesabi East High School
601 N 1st St W, Aurora, MN 55705
4:00-9:00 p.m. open house
6:00-9:00 p.m. public comment forum
- (2) Thursday, February 8, 2018
Duluth Entertainment Convention Center (DECC)
350 Harbor Drive, Duluth, MN 55802
1:00-9:00 p.m. open house
6:00-9:00 p.m. public comment forum

These public meetings will be held jointly with the Minnesota Department of Natural Resources on their draft permit to mine.

During the open house, technical staff will be available to answer questions on the draft permits. PolyMet representatives will also be present. Comments on the draft permits will be accepted at these meetings. Stenographers will be available to record oral comments. In addition, comment boxes will be available for submitting written comments.

In case of a weather-related cancelation, the following alternative meeting dates have been established: 1) Wednesday, February 21, 2018, at the Mesabi East High School as a substitute for the February 7 meeting; and 2) Thursday, February 22, 2018, at the DECC as a substitute for the February 8 meeting. The MPCA will notify the public of any cancellations, time, or venue changes via the state's PolyMet email distribution list, press release, and/or social media.

All meeting materials, and draft permits when they are available, will be posted on the MPCA's website.

Contested Case Hearing

A contested case hearing is a formal proceeding before an administrative law judge empowered to advise the MPCA regarding issues of fact. As described in Minn. R. 7000.1800, persons who submit petitions for a contested case hearing must also state the issues they propose to address in a contested case hearing, the specific relief requested or resolution of the matter, and the reasons (which may be in the form of proposed findings) supporting an MPCA decision to hold a contested case hearing. Failure to comply with these rules exactly may result in a denial of the request. To the extent known, the petitioner may also submit a list of prospective witnesses to be called at a hearing, a proposed list of publications, references, or studies to be introduced at a hearing and the approximate time required for the petitioner to present the matter at a hearing. The decision whether to hold a contested case hearing will be made under Minn. R. 7000.1900.

Additional Information

For the most up to date information, check the state's PolyMet web portal (<http://polymet.mn.gov/>) and MPCA's project website (www.pca.state.mn.us/northmet). The web portal provides basic permitting information and directs users to agency websites with more detail. On the portal you can sign up for the state's PolyMet email distribution list to receive updates including a notification when MPCA's permits are available for review and comment and if there is a weather-related cancellation of the public meetings.