

35561 Notice of Hearing (Initial Comment Period) Minnesota Pollution Control Agency

Closed Dec 31, 2019 · Discussion · 5 Participants · 1 Topics · 5 Answers · 0 Replies · 2 Votes

5

PARTICIPANTS

1

TOPICS

5

ANSWERS

0

REPLIES

2

VOTES

SUMMARY OF TOPICS

SUBMIT A COMMENT

 5 Answers · 0 Replies

Important: All comments will be made available to the public. Please only submit information that you wish to make available publicly. The Office of Administrative Hearings does not edit or delete submissions that include personal information. We reserve the right to remove any comments we deem offensive, intimidating, belligerent, harassing, or bullying, or that contain any other inappropriate or aggressive behavior without prior notification.

Janet Keough · Citizen · (Postal Code: unknown) · Dec 20, 2019 10:52 am

 1 Votes

I am responding to Docket #65-9003-3556: I am a resident of St Louis County, MN and live within the watershed of the St Louis River and within that, the Cloquet River valley. I oppose the proposed amendments to rules governing water quality standards for Class 2 and 7 use designations (chapter 7050). The proposed rule change removing Class 2A protection would limit the protections of trout waters to the situation where current conditions support a healthy population and habitat. This violates the MN statute that requires consideration of uses that have been made in the past, are being made and may be made in the future; MPCA does not have the authority to remove protections of trout waters or cold waters based only on current conditions - this proposed change also conflicts with the Clean Water Act Section 101a2. The proposed rules would remove sulfate limits from existing trout waters, with real risk of adverse effects to drinking water, fish, wildlife and human health. Sulfate is well-known to cause the release of active methylmercury that enters the food chain and drinking water. Neither the SONAR document nor the technical report discuss the potential for adverse effects of removing drinking water protection from trout/cold water resulting from reclassification. In cases where there are upstream sulfate dischargers - especially in our watershed - sulfate causes damage to habitat, Hg availability, and damage to fish, wildlife and human health. The MN sulfate standard is scientifically robust and should be applied to these waters. The proposed rule changes that the standard that now requires designation of tributaries of trout waters as Class 2A for purposes of water quality standards protection - the MPCA has not shown that removing the language providing this protection of beneficial uses is needed or reasonable.

I also support comments by Howard Marcus, delivered at the public hearing, and repeat them below:

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The specific topic I am going to discuss is the requirement that the MPCA use both actual and

potential field conditions to determine both designated use determinations and pollution determination, and that the Agency is proposing to ignore that requirement.

As examples, the following statute and rules describe the need to use both actual and potential

conditions:

Mn Stat 115.01, Subp. 13; Mn R 7050.0140, Subps 2 & 3, 7050.0220 through 7050.0227,

Subps. 1; and 7050.0150, Subps 1 & 4B.

At least ten times, statute and rules make clear that both actual and potential conditions must

be met. I won't read all of the important language, but I will read the first one because it seems

to me to be enabling language [if that is the correct term]:

Mn Stat 115.01, Subd. 13. Pollution of water, water pollution, or pollute the water.

"Pollution of water," "water pollution," or "pollute the water" means: (a) the discharge

of any pollutant into any waters of the state or the contamination of any waters of the state so

as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or (b) the alteration made or

induced by human activity of the chemical, physical, biological, or radiological integrity of

waters of the state.

The actions proposed by the current MPCA's rulemaking is that it specifically ignores "potential

habitat" or "history of potential habitat."

The concepts of "actual" and "potential" require an explanation. As an example, an undisturbed

river may have had abundant wild rice beds as noted in local history or by biological assessment. If a mining operation then begins discharging pollutants that cause the wild rice

beds to become greatly diminished, a current ["actual"] assessment would recommend removing a "wild rice" designation from that river. And that would happen with this proposed

rule change – the "potential" or "history of potential" would be ignored, and that is wrong. If

the polluting impacts of that mine are controlled, there would be enough of a wild rice seed

bed to restore the wild rice community.

It is wrong to grandfather in past pollution practices and ignore the water resource's ability to

recover and that is what these proposed changes do. And that is what is being proposed. The

MPCA is proposing on page 11 of the June 2019 MPCA Amendments to Aquatic Life [Class 2]

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Use Designations to modify 7050.0420 such that the requirement will be limited to any existing beneficial uses, thereby ignoring both the potential and the history of potential uses. This is exemplified by the MPCA recommendation to lessen the designated use of Cedar Lake [69-0431-00] from a trout lake [Class 2A] to a non-trout lake [Class 2Bd], based on current/actual use. This lake is about 32 acres in size and is located in St. Louis County. It is a relatively small managed trout lake with a mostly forested shoreline with a few scattered homes. It had been managed for trout by the MnDNR but they stopped in 2007. This is not about a MnDNR decision on where they want to spend their resources controlling other fish species or efforts to continuing to restock; this is about Minnesota statutes and rules about the potential for a water resource to meet its use potential. So while Cedar Lake's actual trout status is poor, it had potential as recently as 2006 and it still has that potential. Unless there is a significant loss of habitat or water temperature change in Cedar Lake, if it had been a trout lake, it certainly must continue to have the potential to become a trout lake again. This proposed loss of use must not be allowed. The basis for this problem is in another subpart of 7050.0150, 7050.0150, Subpart 6. Unlike 7050.0150, Subps. 1 & 4B, which requires both actual and potential uses to be protected, Subpart 6 determines the impairment of the biological community and aquatic habitat. Sections A through C describe biological attributes and Section d describes habitat attributes. Then Section E proscribes that only the biological attributes but used to determine compliance with water quality standards. Section D, the section dealing with habitat and the history of habitat, is omitted. Habitat isn't subject to the impacts of upstream pollution such as excess nutrients. Habitat contains the seedbanks of restoration if pollution impacts are removed. Yet only Section D, habitat, can be used to determination the potential of a water resource to meet WQ standards. This subpart, sections A thru C, may be scientifically sound, but is it clearly inadequate to meet not only the requirement stated in 7050.0150 [Subpart 1] but it also fails the other statute and rules I noted above. Ignoring habit potential and the history of habitat potential grandfathers in past pollution impacts; that is clearly not the intent of most of Chapter 7050 and its enabling statutes. The ALJ must deny both the proposed rule change in 7050.0420 and the reduced designated use protection for Cedar Lake [69-0431-00].

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Jacob Crawford · Citizen · (Postal Code: unknown) · Dec 30, 2019 11:08 am

 1 Votes

Dear Judge O'Reilly,

At the hearing on the proposed Class 2 rules, OAH Docket No. 65-9003-35561 on December 11, 2019, Minnesota Pollution Control Agency ("MPCA") staff characterized the comments submitted by members of the public opposing MPCA's proposed Class 2 rules and also asking for a hearing in such a way as to suggest that these Minnesotans expressed no opinions other than to request a hearing. That is not the case.

We are aware of [add number] comments from members of the public that commented on the proposed rules as well as requesting a hearing. They are attached and resubmitted for your information.

Thank you for your consideration of these comments along with the other comments, testimony, and information opposing MPCA's proposed Class 2 rules.

Sincerely yours,

Jacob Crawford
WaterLegacy Communications Coordinator

Paula Maccabee · Citizen · (Postal Code: unknown) · Dec 30, 2019 8:33 pm

 0 Votes

Dear Judge O'Reilly,

Attached herein, please find the Post-Hearing Comments of WaterLegacy regarding OAH Docket No. 65-9003-35561, along with an Attachment and three Exhibits.

Sincerely yours,
Paula G. Maccabee
WaterLegacy Advocacy Director and Legal Counsel

John Lenczewski · Citizen · (Postal Code: unknown) · Dec 31, 2019 2:34 pm

 0 Votes

comment...Please see attached comments of Minnesota Trout Unlimited

Eric Morrison · Citizen · (Postal Code: unknown) · Dec 31, 2019 4:20 pm

 0 Votes

Please see attached comments of Eric Morrison, PhD (Chemistry)

RECEIVED

By: OAH on 12/30/2019 11:08 a.m.

Submitter: Jacob Crawford

Comments resubmitted on 12-30-19

In the Matter of the Proposed Amendments to Rules of the Minnesota Pollution Control Agency Governing Water Quality Standards - Class 2 and Class 7 Use Designations, Minnesota Rules Chapter 7050; Revisor's ID Number R-4561

OAH Docket No. 65-9003-35561

Presiding Judge: Administrative Law Judge Ann C. O'Reilly

October 05, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

Here are some of the specific changes in the rules that I oppose:

1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
2. Removing the entire section of rules (ch. 6264) where trout waters are specifically listed. This change would remove the simple, transparent way in which all Minnesotans can know which waters are protected as trout waters. In addition, by removing this section, tributaries to trout waters would no longer be protected.
3. Defining "cold water habitat" to mean there has to be proof that waters support a healthy population of trout and other cold water life, even if those waters have been listed as "trout waters" for decades.
4. Requiring that the MPCA remove waters from the "cold water habitat" list whenever it can't be proved the waters support healthy populations of trout and other cold water life.
5. Changing existing Rules so that trout waters are no longer all Class A drinking waters, which all have a sulfate limit even without wild rice present.

These changes mean that people like me won't be able to look at an easily-available list and see which waters are protected as "trout waters." Worse yet, when climate change and industrial pollution, including massive discharge of sulfate from mines, affects or has affected cold water biota, like trout, the MPCA could be required to

delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Joseph Wenzel
93 Midwest Ave N
Lake Elmo, MN 55042

November 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Bill Mears
2429 30th Ave so.
Minneapolis, MN 55406

November 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Dean Borgeson
36030 Bonnie Lakes Rd
Crosslake, MN 56442

October 05, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Diane Tessari
5375 Eureka Rd
Excelsior, MN 55331

October 17, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Andrew St. Croix
5412 Avondale St.
Duluth, MN 55804

October 06, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Kevin Stueven
11 McKinley place north
St. Cloud, MN 56303

October 06, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
River Gordon
Saint Paul, MN 55114

October 07, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Doretta (Dorie) Reisenweber
101 West Kent Road
Duluth, MN 55812

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Andrew Slade
1026 South Lake Ave.
Duluth, MN 55802

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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John Margerum
3232 W Penn St
Philadelphia, PA 19129

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Sincerely,
Matt Ringquist
402 Valley View Dr.
Redwood Falls, MN 56283

October 01, 2019

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T Nygard
Randall, MN 56475

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Sincerely,
Tahera Mamdani
Fridley, MN 55432

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Charles Benzie
14466 Viking Ave. N.
Rogers, MN 55374

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Lynne Bly
30726 Ivywood Trail
Stacy, MN 55079

October 01, 2019

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Sincerely,
Erik Roth
225 W. 15th St. #412
Minneapolis, MN 55403

October 01, 2019

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This proposal is not good for Minnesota!

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John Ek
4000 W 9th St
Duluth, MN 55807

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3310 69th st e
Inver Grove Heights, MN 55075

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Paula Savage
4727 South Lake Sarah Drive
Maple Plain, MN 55359

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am very concerned about keeping Minnesota's waters clean and pristine. I enjoy recreational activities on lakes and streams.

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Lisa Fitzpatrick
5229 Peabody St
Duluth, MN 55804

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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Sincerely,
Lois Seaburg
New Ulm, MN 56073

October 01, 2019

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Sincerely,
Steven George
PO Box 535
Finland, MN 55603

October 01, 2019

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Sincerely,
Thomas Sullivan
4061 209TH LN NW
OAK GROVE, MN 55303

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Erin Enger
5941 Wisconsin Cir
New Hope, MN 55428

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RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Bryan Hansel
PO Box 149, 140 County Road 44
Grand Marais, MN 55604

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
AMY GRACE
722 Everett St S
Stillwater, MN 55082

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
dean peter
pob 156
prior lake, MN 55372

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Cindy Jackson
3749 Glenhurst Ave S
St Louis Park, MN 55416

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Heidi Windmiller
Wayzata, MN 55391

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Timothy Mullen
Saint Charles, MN 55972

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Jim Marsden
1872 Howard St. N.
Malewood, MN 55109

October 01, 2019

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

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Sincerely,
richard taylor
1619 e 6th st
duluth, MN 55812

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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Sincerely,
Lynda Pauling
5812 Olene Ave N
Oak Park Heights, MN 55082

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Sincerely,
kathy dunn
8657 maplebrook
brooklyn park, MN 55445

October 01, 2019

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Sincerely,
Scott Russell
3124 44th Ave. S.
Minneapolis, MN 55406

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Christopher Boldt
1235 Hartford Ave
Saint Paul, MN 55116

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RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Carl Dawson
40 Judith Dr
Chaska, MN 55318

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Sincerely,
Brandan Fiedler
100 Central Ave NE Apt 206
Chisholm, MN 55719

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Jerry Giefer
1252 2nd Ave. N
Windom, MN 56101

October 01, 2019

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Amelia Kroeger
1404 Gettysburg Ave N
Golden Valley, MN 55427

October 01, 2019

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Do your job. You need to be protecting our water more now, not less. Our water does not belong to the greedy corporations!

Sincerely,
John Almli
1813 Park Ridge Cir
Chaska, MN 55318

October 01, 2019

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Rebecca Shedd
Minneapolis, MN 55419

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Kathleen Hutchins
537 17th Ave NW
Saint Paul, MN 55112

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

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Sincerely,
Barb Powell
Rochester, MN 55904

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Lynn C. Lang
1721 Polaris Ct
Saint Cloud, MN 56303

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Kaare Melby
5782 Little Marais Rd
Finland, MN 55603

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Richard Bjorum
2038 Town Road 492
International Falls, MN 56649

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Minneapolis, MN 55419

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Kathryn Mosher
4316B Clemson Circle
Eagan, MN 55122

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susan berscheid
1722 s franklin st
new ulm, MN 56073

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6739 11th ave s
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2423 E 2nd St
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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Shannon Darsow
13376 carrach way
rosemount, MN 55068

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
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Sincerely,
Barbara Brockway
233 Nichols Ct
Saint Paul, MN 55126

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Tom Koors
833 20th Ave. S.E.
Minneapolis, MN 55414

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Kate Crowley
82119 Bennett Rd
Willow River, MN 55795

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Pat Shea
Edina, MN 55436

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RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Betsey Porter
10040 Penn Ave S Apt 11
Bloomington, MN 55431

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Lorie Marsh
1437 Hartford Avenue
Saint Paul, MN 55116

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Juliann Rule
35002 115th Ave.
Avon, MN 56310

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Thomas Childs
Babbitt, MN 55706

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Jan Ackerman
15781 Hayes Trl
Saint Paul, MN 55124

October 01, 2019

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Sincerely,
Catherine Lundoff
3816 13th Ave. So.
Minneapolis, MN 55407

October 01, 2019

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Sandra Hartmann
4515 Lyndale Ave So
Minneapolis, MN 55419

October 01, 2019

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Candace Dow
1425 W 28th St, Apt 315
Minneapolis, MN 55408

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Luann Kleppe
Minneapolis, MN 55406

October 01, 2019

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Sincerely,
Terry McCarthy
Duluth, MN 55803

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Sonja Miedtke
71977 200 Ave
Hayfield, MN 55940

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule. Water is our most important resource. As stewards of the environment the MPCA is obligated to protect.

Sincerely,
Kevin Heaslip
2511 W 13th St
Duluth, MN 55806

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Scott Anderson
1150 N Elm Ave
Owatonna, MN 55060

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
John Carson
326 Arizona Street Se
Lonsdale, MN 55046

October 07, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

Aside from the pre-made letter below let me just say that I find even the slightest infringement on current standards as wrong. We should be increasing water standards to protect water quality for future generations when increased populations will need that water.

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Michael Poisson
9273 HAMLINE AVE
CIRCLE PINES, MN 55014

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
William Fischer
1070 11th Ave SE
Minneapolis, MN 55414

October 01, 2019

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Sincerely,
Stephen Christopher
5117 43rd Avenue South
Minneapolis, MN 55417

October 01, 2019

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Sincerely,
Zoe Bird
4918 37th Ave So
Minneapolis, MN 55417

October 01, 2019

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Reed Heff
Minneapolis, MN 55424

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
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Sincerely,
Nancy Pickering
201 Westminster Ave. NW
Watertown, MN 55388

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I realize you will recognize the language below as being provided by Water Legacy.

But,

I understand and support every single word. As the agency charged with protecting water quality in Minnesota, do your job. Protect drinking water. Now more than ever.

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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Sincerely,
Peggy Knapp
3228 22nd Ave. S.
Minneapolis, MN 55407

October 01, 2019

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Sincerely,
Barbara Janssen
7356 Quantico Ln N
Maple Grove, MN 55311

October 01, 2019

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Sincerely,
Rich Bachman
13000 Sylvan Ave
Lindstrom, MN 55045

October 01, 2019

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Sincerely,
Jack Hennes
10571 Colorado Blvd #J304
Thornton, CO 80233

October 01, 2019

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Sincerely,
Elizabeth Merz
Fergus Falls, MN 56537

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Sincerely,
kathleen spencer
315 N Lake Ave Apt 229
Duluth, MN 55806

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Elinor Ogden
1505 Xanthus Ln N
Minneapolis, MN 55447

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Mark Johnson
9013 East Superior St.
Dulut, MN 55804

October 01, 2019

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Taran Green
1364 Pheasant Run
New Richmond, WI 54017

October 01, 2019

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Jen Pearson
4532 London Rd
Duluth, MN 55804

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1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
2. Removing the entire section of rules (ch. 6264) where trout waters are specifically listed. This change would remove the simple, transparent way in which all Minnesotans can know which waters are protected as trout waters. In addition, by removing this section, tributaries to trout waters would no longer be protected.
3. Defining "cold water habitat" to mean there has to be proof that waters support a healthy population of trout and other cold water life, even if those waters have been listed as "trout waters" for decades.
4. Requiring that the MPCA remove waters from the "cold water habitat" list whenever it can't be proved the waters support healthy populations of trout and other cold water life.
5. Changing existing Rules so that trout waters are no longer all Class A drinking waters, which all have a sulfate limit even without wild rice present.

These changes mean that people like me won't be able to look at an easily-available list and see which waters are protected as "trout waters." Worse yet, when climate change and industrial pollution, including massive discharge of sulfate from mines, affects or has affected cold water biota, like trout, the MPCA could be required to

delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Marie Nickell
10526 County 113
Mabel, MN 55954

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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4. Requiring that the MPCA remove waters from the "cold water habitat" list whenever it can't be proved the waters support healthy populations of trout and other cold water life.
5. Changing existing Rules so that trout waters are no longer all Class A drinking waters, which all have a sulfate limit even without wild rice present.

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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Leslie McDonald
15824 Park Terrace Dr
Eden Prairie, MN 55346

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Donna Olsen
1706 Continental Dr, Apt 109
Grand Forks, ND 58201

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Sue Halligan
1190 Schooner Way
Woodbury, MN 55125

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Marian Severt
11465 Easy Street
Brainerd, MN 56401

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Meghan Wannebo
234 West 40th st.
Minneapolis, MN 55409

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
JL Charrier
1910 Heritage Dr
Wayzata, MN 55391

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Mark Vesley
1598 Edmund Ave
Saint Paul, MN 55104

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Alex Spitzer
12352 Angel Food Ln
Fort Worth, TX 76244

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Jaci Christenson
12309 Fiona Ave N
White Bear Lake, MN 55110

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency in the MPCA's description of these rules in its Notice. For example, it states "The proposed rules do not change numeric or narrative water quality standards." That is worse than misleading: Changing classifications would mean that certain water quality standards won't apply, most importantly the vitally important drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans should be able to trust not only that MPCA will protect water quality, as it is mandated to do to protect the health of Minnesotans and our state's unique and priceless environment, but also that they will tell us the full truth.

Here are some of the specific changes in the rules that I oppose:

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5. Changing existing Rules so that trout waters are no longer all Class A drinking waters, which all have a sulfate limit even without wild rice present.

These changes would deprive Minnesotans of an easily-available list that shows which waters are protected as "trout waters." Worse yet, when climate change and industrial pollution, including massive discharge of sulfate from mines, affects or has affected cold water biota, like trout, the MPCA could be required to delist those

waters -- and allow more industrial pollution. This goes against the MPCA's reason for existence.

The specific changes in class designations in the MPCA rule aren't clearly explained. In terms of river miles, however, it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is a threat to clean water, trout, and the health of Minnesotans. MPCA should withdraw these proposed amendments

Sincerely,
Amelia Hummel
4368 France Ave N
Robbinsdale, MN 55422

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

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Sincerely,
Philip Rampi
2150 Jefferson Ave
Saint Paul, MN 55105

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

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1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

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Elizabeth Neuvar
Minneapolis, MN 55414

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Tina Krauz
701 W 5th St Apt 212
Grand Marais, MN 55604

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Linda Peck
12299 Sauk River Rd
St. Cloud, MN 56301

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Lauren Young
14507 183rd Av NW
Elk River, MN 55330

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4004 London Rd. apt CC27
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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Lynn and Tom Anderson
15621 Goshawk Road
Tamarack, MN 55787

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

Here are some of the specific changes in the rules that I oppose:

1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
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Sincerely,
DeeAnn Stenlund
2687 Matilda St.
Roseville, MN 55113

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Hugh Curtler III
Brooklyn Park, MN 55443

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Barton Sutter
1321 East 8th Street
Duluth, MN 55805

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Linda Dean
Duluth, MN 55810

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
John Schlichting
1020 10th St SE
Saint Cloud, MN 56304

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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October 01, 2019

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. This is not the time in our shared history to roll back any environmental protections for our waters. MPCA should withdraw this proposed rule.

Sincerely,
Jenni Zickert
1715 Marshall St. NE
Minneapolis, MN 55413

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Emma Schurink
Stillwater, MN 55082

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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David Zimney
7110 Excelsior Way
Saint Louis Park, MN 55426

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Pamela Martin
7144 10th Ave S
Minneapolis, MN 55423

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Don Hon
3135 Arthur St. NE
Minneapolis, MN 55418

October 01, 2019

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Michelle Lang
5128 Wentworth Ave
Minneapolis, MN 55419

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Jody Goldstein
2124 Schmidt Ct SE
Rochester, MN 55904

October 01, 2019

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Sincerely,
Dean Borgeson
36030 Bonnie Lakes Rd
Crosslake, MN 56442

October 01, 2019

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Sincerely,
Patricia Loverink
403 19th St NE
Austin, MN 55912

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Amy Cordry
26006 County Road 9
Winona, MN 55987

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Hugh Curtler III
Brooklyn Park, MN 55443

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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KAREN HULSTRAND
1204 Everett St. S.
Stillwater, MN 55082

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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RICK MUELLER
5631 136th Street Court
Saint Paul, MN 55124

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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James Conway
Rochester, MN 55901

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Alva Pingel
13894 Birchwood Ave
Rosemount, MN 55068

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Scott Doblar
712 East King
Winona, MN 55987

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
AL LARSON
3408 BEAUTY LAKE RD SW
PILLAGER, MN 56473

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

Here are some of the specific changes in the rules that I oppose:

1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
2. Removing the entire section of rules (ch. 6264) where trout waters are specifically listed. This change would remove the simple, transparent way in which all Minnesotans can know which waters are protected as trout waters. In addition, by removing this section, tributaries to trout waters would no longer be protected.
3. Defining "cold water habitat" to mean there has to be proof that waters support a healthy population of trout and other cold water life, even if those waters have been listed as "trout waters" for decades.
4. Requiring that the MPCA remove waters from the "cold water habitat" list whenever it can't be proved the waters support healthy populations of trout and other cold water life.
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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Adaline Shinkle
Minnetonka, MN 55345

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

Sincerely,
Cecelia Newton
5516 Irving Ave S
Minneapolis, MN 55419

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

As a science teacher and UMN Extension master gardener, I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be favorable for coal plants and mines, but it is not good for OUR clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Maxene Linehan
P.O.B. 278
Hovland, MN 55606

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Mary Creighton
501 6th St. S.
Virginia, MN 55792

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
William Dustin
4654 LINDEN TRL N
LAKE ELMO, MN 55042

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Jason Husby
3531 3
minneapolis, MN 55412

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

This is simply de regulation and obfuscation and must not proceed.

Sincerely,
carol jagiello
91 wood pl
bloomington, NJ 07403

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Matthew Schaut
Minneapolis, MN 55406

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Nicole Everling
1639 Sherwood Way
Eagan, MN 55122

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Darcy Bergh
1121 Hallam Ave N,, no paper mail please
St. Paul, MN 55115

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Larry Bogolub
1424 Lincoln Avenue
Saint Paul, MN 55105

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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2. Removing the entire section of rules (ch. 6264) where trout waters are specifically listed. This change would remove the simple, transparent way in which all Minnesotans can know which waters are protected as trout waters. In addition, by removing this section, tributaries to trout waters would no longer be protected.
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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Kurt Kimber
4811 35th Ave S
Minneapolis, MN 55417

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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Sincerely,
Robert Bullis
19088 Dodge St NW
ELK RIVER, MN 55330

October 01, 2019

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Sincerely,
Sara LaValley
Superior, WI 54880

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Sincerely,
John Munter
14860 Bruce Creek Rd
Warba, MN 55793

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Wayne Burville
1118 Madison St S
Shakopee, MN 55379

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Sincerely,
Lilah Gilyard
10657 Hollywood Blvd NW
Minneapolis, MN 55433

October 01, 2019

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Sincerely,
Steve Tuckner
St Paul, MN 55117

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. As someone who regularly recreates in and cares for the aforementioned areas I strongly urge the MPCA withdraw this proposed rule.

Sincerely,
Dylan Koltz-Hale
788 Idaho Ave W
Saint Paul, MN 55117

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Lynn Shoemaker
172 N Esterly Ave, Address 2
Whitewater, WI 53190

October 01, 2019

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Sincerely,
Connie Grundhofer
235 Linda St
Circle Pines, MN 55014

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

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Sincerely,
frank florin
n12902 273rd st
boyceville, WI 54725

October 01, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Karen Rom-Kormann
1717 van buren ave
st paul, MN 55104

October 01, 2019

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Sincerely,
Julia Kloehn
5879 Nikolai Rd
Finland, MN 55603

October 02, 2019

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Sincerely,
Nancy Hauer
1990 Ridgewood Ave.
White Bear Lake, MN 55110

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COURT STOREY
1033 Indian Trail Path S
AFTON, MN 55001

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Dennis Schaefer
715 Limber Road
Meadville, PA 16335

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Scott vizecky
3194 co hwy 4
Hendricks, MN 56136

October 02, 2019

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Richard Fish
5345 37th Ave So
Minneapolis, MN 55417

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Anne Franklin
9914 Penn Ave S
Bloomington, MN 55431

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PAULA RUSTERHOLZ
2787 Marion St
Roseville, MN 55113

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Christine Popowski
2630 Pleasant Ave #101
Minneapolis, MN 55408

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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Diane Brown
1718 McKnight
Maplewood, MN 55109

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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Sincerely,
Eric Bong
Duluth, MN 55805

October 07, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
sue Morem
4620 Vinewood
Plymouth, MN 55442

October 02, 2019

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Sincerely,
Sandra Swanson
2872 96th St E
Inver Grove Hts, MN 55077

October 02, 2019

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Sincerely,
A Bonvouloir
Sunnyvale, CA 94086

October 02, 2019

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Sincerely,
MICHAEL BROUILLETTE
7420 CEDAR AVE SO, APT 5
Richfield, MN 55423

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
jim Reilly
Minneapolis, MN 55406

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

The MPCA has demonstrated that oversight is required of its operations. The MPCA operations must be open to the public.

Sincerely,
Scott Mills
9 N Yukon Dr
Ely, MN 55731

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule. These changes will threaten the cold waters/trout waters inheritance for our children and grandchildren.

Sincerely,
David Gagne
3517 East 26th Street
Minneapolis, MN 55406

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Duncan Storlie
5375 Eureka Rd.
Excelsior, MN 55331

October 02, 2019

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Ramona Kopnick
Ap't Rpad
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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Donna Anderson
10211 Cedar Lk Rd
Mtna, MN 55305

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

Here are some of the specific changes in the rules that I oppose:

1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
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Sincerely,
Michael Murray
104 Coleman St
Ghent, MN 56239

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Mark Lehigh
904 Mesaba Avenue
Duluth, MN 55805

October 02, 2019

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Sincerely,
Ryan Sabol
2910 Wyoming Ave S
St Louis Park, MN 55426

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Sincerely,
Dan Schlatter
61 St Albans St S, Apt C
Saint Paul, MN 55105

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Mary Arps Thompson
1370 White Lake Dr
Duluth, MN 55803

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Mary Dosch
ON540 MA Center Drive, #3
Elburn, IL 60119

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Michael Alexander
78. 10th. Street east
Saint Paul, MN 55101

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

As a lifelong MN resident, an avid trout fisherman, and as someone whom is raising two daughters to grow up spending significant time responsibly recreating in MN streams and lakes, I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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Sincerely,
Mike Hoyt
3301 Oakland Avenue South
Minneapolis, MN 55407

October 02, 2019

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Sincerely,
Debra Masters
395 Bucher Ave
Shoreview, MN 55126

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Earle Tonra
3911 Girard Ave N
Mpls, MN 55412

October 02, 2019

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Madeline Pilon
Falcon Heights, MN 55113

October 02, 2019

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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Mary Smith
13998 165th St
Little Falls, MN 56345

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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Sincerely,
Kendall Kramer
Hopkins, MN 55305

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Mary Lu Kavanagh-Beltman
584 Snelling ave S
Saint Paul, MN 55116

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Emily Brown
Ely, MN 55731

October 08, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Daniel Iverson
4640 North Arm Drive
Mound, MN 55364

October 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Mary Cullen
2421 Bloomington Ave. South
Minneapolis, MN 55404

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Candyce Westfield
P.O. Box 460
Walker, MN 56484

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Jennifer Hengelfelt
29 Dwinnell Ave
Saint Paul, MN 55110

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Cathy Curtis
Buffalo, MN 55313

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RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Clara Ueland
Long Lake, MN 55356

October 03, 2019

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Sincerely,
Mary Johannsen
2418 Aldrich Ave No.
Minneapolis, MN 55411

October 02, 2019

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Sincerely,
Julie Hukriede
2312 10th St
Two Harbors, MN 55616

October 03, 2019

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Dear Ms. Lynn,

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I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

Here are some of the specific changes in the rules that I oppose:

1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
2. Removing the entire section of rules (ch. 6264) where trout waters are specifically listed. This change would remove the simple, transparent way in which all Minnesotans can know which waters are protected as trout waters. In addition, by removing this section, tributaries to trout waters would no longer be protected.
3. Defining "cold water habitat" to mean there has to be proof that waters support a healthy population of trout and other cold water life, even if those waters have been listed as "trout waters" for decades.
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These changes mean that people like me won't be able to look at an easily-available list and see which waters are protected as "trout waters." Worse yet, when climate change and industrial pollution, including massive discharge of sulfate from mines, affects or has affected cold water biota, like trout, the MPCA could be required to

delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Carol Stiteler
114 Greeley St N
Stillwater, MN 55082

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

And furthermore, as a member of Trout Unlimited, I think the proposed rule will undermine the DNR's management of trout waters

Sincerely,
Kenneth Matysik
4819 Thomas Ave S
Minneapolis, MN 55410

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Sarah M
Mpls, MN 55407

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Carl Haensel
2067 E Pioneer Rd
DULUTH, MN 55804

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Christopher Loch
2410 Garfield Avenue South
Minneapolis, MN 55405

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Cathy Curtis
Buffalo, MN 55313

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Clara Ueland
Long Lake, MN 55356

October 17, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule is dangerous! MPCA should withdraw this proposed rule.

Sincerely,
Ralph Karsten
1646 Hartford
SAINT PAUL, MN 55116

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Dian Lopez
5770 Burkeys LN NW
Alexanria, MN 56308

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Timothy Alvar
2849 Lakewood Jct Road
Duluth, MN 55804

October 03, 2019

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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Mary Pouliot
2157 Overlook Dr.
Bloomington, MN 55431

October 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

Here are some of the specific changes in the rules that I oppose:

1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
2. Removing the entire section of rules (ch. 6264) where trout waters are specifically listed. This change would remove the simple, transparent way in which all Minnesotans can know which waters are protected as trout waters. In addition, by removing this section, tributaries to trout waters would no longer be protected.
3. Defining "cold water habitat" to mean there has to be proof that waters support a healthy population of trout and other cold water life, even if those waters have been listed as "trout waters" for decades.
4. Requiring that the MPCA remove waters from the "cold water habitat" list whenever it can't be proved the waters support healthy populations of trout and other cold water life.
5. Changing existing Rules so that trout waters are no longer all Class A drinking waters, which all have a sulfate limit even without wild rice present.

These changes mean that people like me won't be able to look at an easily-available list and see which waters are protected as "trout waters." Worse yet, when climate change and industrial pollution, including massive discharge of sulfate from mines, affects or has affected cold water biota, like trout, the MPCA could be required to

delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Jonathan Early
8032 Hidden Bay Trail
Lake Elmo, MN 55042

October 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

Here are some of the specific changes in the rules that I oppose:

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These changes mean that people like me won't be able to look at an easily-available list and see which waters are protected as "trout waters." Worse yet, when climate change and industrial pollution, including massive discharge of sulfate from mines, affects or has affected cold water biota, like trout, the MPCA could be required to

delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Robert Kosuth
1224 E 11th St
Duluth, MN 55805

October 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth. Too often, proof of damage or even need for protection falls on the public without the resources of the corporate applicant.

Here are some of the specific changes in the rules that I oppose:

1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
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These changes mean that people like me won't be able to look at an easily-available list and see which waters are protected as "trout waters." Worse yet, when climate

change and industrial pollution, including massive discharge of sulfate from mines, affects or has affected cold water biota, like trout, the MPCA could be required to delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
James Reents
4561 Alder Ln NW
HACKENSACK, MN 56452

October 09, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

Here are some of the specific changes in the rules that I oppose:

1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Nancy Lawroski
St. Louis Park, MN 55416

October 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Theresa Lastovich
206 6th St NE
Chisholm, MN 55719

October 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Michelle Gobely
1581 Wheelock Ln Apt 202
Saint Paul, MN 55117

October 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Janet Draper
1825 Dunedin Ave.
Duluth, MN 55803

October 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Michael Shoop
2318 Parkwoods Rd
Minneapolis, MN 55416

October 05, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Joseph Wenzel
Lake Elmo, MN 55042

October 05, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
April Narcisse
8140 Rhode Island Cir
Minneapolis, MN 55438

October 05, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Mary Miller
3804 Cedar Lake Place
Minneapolis, MN 55416

October 05, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
2. Removing the entire section of rules (ch. 6264) where trout waters are specifically listed. This change would remove the simple, transparent way in which all Minnesotans can know which waters are protected as trout waters. In addition, by removing this section, tributaries to trout waters would no longer be protected.
3. Defining "cold water habitat" to mean there has to be proof that waters support a healthy population of trout and other cold water life, even if those waters have been listed as "trout waters" for decades.
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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Paula Gustafson
562 deer ridge lane s
Maplewood, MN 55119

October 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

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Sincerely,
Sarah Harper
3407 Harriet Ave
Minneapolis, MN 55408

October 17, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Judy Grant
1455 Breda Ave
Saint Paul, MN 55108

October 17, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Thank you for your consideration. More Minnesotans each day are becoming activated to help save the planet. Help us to that.

Sincerely,
Jami Gaither
25288 County 2
Shevlin, MN 56676

October 10, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
NANCY Giguere
1471 Edmund Ave
St Paul, MN 55104

October 11, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Rex Lucien Martin
1112 North Second Street
Stillwater, MN 55082

November 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Evangeline Moen
42902 Vista Road, Isle, MN 56342
Isle, MN 56342

October 11, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Dennis Good
7140 N. Dark Lake Rd.
Britt, MN 55710

November 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Kevin Dahm
1022 Orchard Ave
Saint Paul, MN 55103

November 02, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Erik Johnsen
505 N 3rd St,
Minneapolis, MN 55401

October 18, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
S.Rose Anthony Krebs
170 Good Counsel Drive
Mankato, MN 56001

October 18, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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1455 Breda Ave
Saint Paul, MN 55108

October 18, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

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1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
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delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Moir Kuehn
Minneapolis, MN 55429

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Sincerely,
Jeb Taylor
5420 15th St SE
Rochester, MN 55904

October 19, 2019

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Lynn Levine
2301 Westridge Lane
Minneapolis, MN 55416

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Sincerely,
Britta Bloomquist
Duluth, MN 55805

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Protect our water, not corporate profits for polluters. Keep the regulations that protect ground & surface water strong.

Sincerely,
Terry McCarthy
127 E Calvary Rd
Duluth, MN 55803

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Audie Miller
10548 Chowen Ave. South
Bloomington, MN 55431

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PO Box 460
Walker, MN 56484

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Again, I am asking for a public hearing in front of an administrative law judge to protect our trout water and all water.

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W Bryan Winget
2385 Buford Ave
Saint Paul, MN 55108

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Gary Ellman
141 Poplar street
St. Paul, MN 55075

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These changes mean that people like me won't be able to look at an easily-available list and see which waters are protected as "trout waters." Worse yet, when climate change and industrial pollution, including massive discharge of sulfate from mines, affects or has affected cold water biota, like trout, the MPCA could be required to

delist the waters and allow more industrial pollution.

The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Sheila Johnston
7693 Lost Lake Trail
Lake Shore, MN 56468

November 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

MPCA wrote in its Notice, "The proposed rules do not change numeric or narrative water quality standards." But that is a half-truth. Changing classifications under this rule would mean that certain water quality standards won't apply. Especially drinking water standards and the 250 parts per million sulfate standard that mining industry polluters have been fighting, even as they've fought the wild rice sulfate standard.

Minnesotans are not all experts, and we should be able to trust not only that MPCA will protect water quality, but that they will tell us the full truth.

Here are some of the specific changes in the rules that I oppose:

1. Removing the classification of "trout waters" in favor of "cold water habitat." Anglers and other Minnesotans understand "trout waters," and this term reflects our State's interest in preserving high quality waters.
2. Removing the entire section of rules (ch. 6264) where trout waters are specifically listed. This change would remove the simple, transparent way in which all Minnesotans can know which waters are protected as trout waters. In addition, by removing this section, tributaries to trout waters would no longer be protected.
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Sincerely,
Ruurd Schoolderman
2724 E. 2nd St
Duluth, MN 55812

November 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
John Doe
Pleasant Lane
New York, NY 55555

November 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Bill Werner
3204 Bob's drive
Cloquet, MN 55720

November 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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Sincerely,
CJ Bahan
Inver Grove Heights, MN 55077

October 19, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

I oppose the proposed rules overall, as well as the lack of transparency to the public and lack of candor in the way MPCA described these rules in its Notice.

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The specific changes in class designations in the MPCA rule aren't clearly explained. But, in terms of river miles it seems that more than 70 percent of the changes would downgrade classifications.

This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans like my husband and myself. MPCA should withdraw this proposed rule.

Sincerely,
Lynn Anderson
15621 Goshawk Road
Tamarack, MN 55787

November 03, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Randall Mattson
12230 62nd Ave. N
Maple Grove, MN 55369

November 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Bart Erickson
Mpls, MN 55410

November 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

I am asking for a PUBLIC HEARING IN FRONT OF AN ADMINISTRATIVE LAW JUDGE on the Minnesota Pollution Control Agency's (MPCA) proposed amendments of state rules regarding trout waters and limited use waters.

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Sincerely,
Albert Gustaveson
49949 Horseshoe Lake Road
Marcell, MN 56657

November 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Charles Lininger
24675 Manning Tr
Scandia, MN 55073

November 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

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Sincerely,
Lori Williams
246 Dogwood Road
Wyoming, MN 55092

October 29, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Sincerely,
Jackie Holmbeck
17620 25th Ave N
Minneapolis, MN 55447

November 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Dear Ms. Lynn,

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This proposed rule may be good for coal plants and mines, but it is not good for clean water, trout, or Minnesotans. MPCA should withdraw this proposed rule.

Sincerely,
Bonita Schwartz
13376 Elaine court
Savage, MN 55378

November 04, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

Dear Mary Lynn,

Dear Ms. Lynn,

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Roberta Truman
town 7th st.
Lake City, MN 55041

November 05, 2019

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Sincerely,
Tracy Chartier
Inver grove, MN 55077

November 05, 2019

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Sincerely,
Genevieve Hipsag
116 8th St Ne
Little Falls, MN 56345

November 05, 2019

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Sincerely,
Charles Fullerton
3626 East 44th Street. Apt 507
Minneapolis, MN 55406

November 05, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Dale Hadler
1723 West 6th Street Apt.C
Winons, MN 55987

November 05, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
Della Johnson
1875 3rd Avenue Northwest
Owatonna, MN 55060

November 05, 2019

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Sincerely,
Colton Heitschmidt
Zimmerman, MN 55398

November 06, 2019

RE: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules chapter 7050

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Sincerely,
George Selvestra
31208 Eastwood Dr
Pequot Lakes, MN 56472

November 01, 2019

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Sincerely,
Bonny Bellville
739 forest hills dr sw
Rochester, MN 55902



RECEIVED

Paula Goodman Maccabee, Esq.

Just Change Law Offices

1961 Selby Ave., St. Paul, Minnesota 55104, pmaccabee@justchangelaw.com

Ph: 651-646-8890, Fax: 651-646-5754, Cell 651-775-7128

<http://justchangelaw.com>

By: OAH on 12/30/19 8:33 p.m.

December 30, 2019

FILED ELECTRONICALLY

Ann C. O'Reilly
Administrative Law Judge
600 Robert St.
P.O. Box 64620
St. Paul, MN 55164-0620

RE: **OAH Docket No. 65-9003-35561**

Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7
Use Designations, Minnesota Rules chapter 7050

Dear Judge O'Reilly:

The comments below are submitted on behalf of WaterLegacy. WaterLegacy opposes the changes to rules governing Class 2 beneficial use designations proposed by the Minnesota Pollution Control Agency ("MPCA") on the following grounds:

1. **MPCA lacks authority under either the Clean Water Act or Minnesota statutes to enact the proposed changes to Minn. R. 7050.0420.** The proposed rules would allow MPCA to downgrade Class 2A cold water habitat waters, also known as trout waters, without following a process at least as stringent as required under Clean Water Act regulations for protecting uses that may be made of Minnesota waters. MPCA's proposed language "fix" for this problem is inadequate.
2. **MPCA's proposed rules would allow improper downgrading of specific trout waters.** Citizen scientists in written comments and hearing testimony identified specific waters that MPCA has proposed to improperly downgrade. From WaterLegacy's perspective, the proposed rule text, as well as MPCA's specific proposals highlighted by these experts, would shift the burden of proof to protect trout waters in ways that are contrary to the Clean Water Act and inherently unreasonable.
3. **The proposed rules are neither needed nor reasonable.** None of the "needs" asserted by MPCA are supported. As explained below, the proposed rules are not needed to designate tiered uses of waters or designate habitats based on accurate data, they would not "target" water management resources, and "modernizing" the rule language as proposed would not "ensure compliance" with the Clean Water Act, but seriously conflict with compliance.
4. **The proposed rules would allow removal of drinking water standards for sulfate.** The MPCA's responses to questions raised at the December 11, 2019 hearing regarding sulfate

were misleading. Although it is true that the specific set of waters MPCA now proposes to downgrade from Class 2A to Class 2Bd won't immediately remove sulfate standards and increase mercury methylation, this is an artifact. MPCA's proposed rule would support downgrading trout waters to Class 2Bg waters that lack sulfate standards, and MPCA is next considering whether drinking water (sulfate) standards should be removed from Class 2Bd waters.

5. **Mining companies are important stakeholder beneficiaries of the proposed rule.** MPCA's insistence that the proposed rule allowing Class 2A trout waters to be downgraded to Class 2B waters is unrelated to mining is contrary to the evidence in this and other rulemaking proceedings. The taconite mining industry has supported reclassification to downgrade trout waters impacted by sulfate discharge from mining, and copper-nickel mining companies would be future beneficiaries if the proposed rule were to be enacted.
6. **The proposed rule has ramifications for restriction of wild rice waters.** In 2018, an administrative law judge ("ALJ") and the chief ALJ found MPCA's proposal to classify wild rice waters based only on *current* density and acreage inconsistent with the Clean Water Act and neither needed nor reasonable. MPCA's proposed Class 2A rules have the same flaws and affect the same pollutants (sulfate and mercury methylation). They are similarly unauthorized and unreasonable.

DISCUSSION

1. **MPCA lacks authority under either the Clean Water Act or Minnesota statutes to enact the proposed changes to Minn. R. 7050.0420.**

MPCA lacks the authority to enact the proposed Class 2 rules under either the Clean Water Act ("CWA") or state statutes. A rule is invalid if it violates constitutional provisions or exceeds the statutory authority of the agency.¹ MPCA's actions to establish water quality standards and to classify the waters to which such standards apply must meet the requirements of the CWA.²

MPCA's proposed rule would add new language limiting the protection for trout waters or "cold water habitat" waters to the situation where current conditions support a healthy population and habitat:

[MPCA Proposed Minn. R. 7050.0420, item B]

Cold water habitat waters identified as class 2A, 2Ae, or 2Ag in part 7050.0470 must reflect an existing beneficial use that **permits propagating and maintaining a healthy community of cold water aquatic biota and their habitats.** (emphasis added).

The structure of the CWA is based on the states' delegated authority to establish "designated uses"

¹ Minn. Stat. § 14.45.

² 33 U.S.C. §1251 *et seq.*

of waters, set water quality standards to protect those uses, and impose effluent limits to protect the designated uses of waters.³ Under the CWA and implementing regulations a state may not use a new designation to remove an existing use of a water body.⁴ “Existing uses” are uses “**actually attained in the water body on or after November 28, 1975**,” whether or not they are included in the water quality standards.”⁵

Where a “designated use” pertains to fish, shellfish, recreation or wildlife, this type of use has special protection under Section 101(a)(2) of the CWA. As the EPA has explained, “If a designated use is an existing use for a particular water body, the existing use cannot be removed unless a use requiring more stringent criteria is added.”⁶ Even if no “existing use” can be demonstrated, a designated use, such as a use for trout or cold water habitat may not be removed without a use attainability analysis specific to that water body.⁷

MPCA’s statutory authority to change the classification of waters to which water quality standards apply is governed by Minnesota Statutes 115.44, and a proposed rule that is inconsistent with this Minnesota statute is, *per se*, unauthorized.

Minnesota Statutes requires that “in adopting the classification of waters and the standards of purity and quality above mentioned, the agency shall give consideration to. . . **the uses which have been made, are being made, or may be made of said waters** for transportation, domestic and industrial consumption, bathing, fishing and fish culture . . . or other uses within this state.”⁸ MPCA is not authorized to adopt a reclassification of trout waters as cold water habitat waters that considers neither the past nor the future, but only whether there is a beneficial use that currently *permits* propagation and maintenance of a healthy community and habitat.

In fact, MPCA’s proposed rule requiring removal of a cold water habitat designation when current conditions don’t support propagation and maintenance of a cold water biota conflicts with provisions of Minnesota rules as well. In the very same Chapter 7050 where MPCA’s proposed rule would be added, a “beneficial use” of waters is defined as the designated use of a surface water “**whether or not the use is being attained**.”⁹ An “existing use” is defined as “those uses actually attained in the surface water **on or after November 28, 1975**.”¹⁰

³ 33 U.S.C. § 1313(c)(2)(A); 40 C.F.R. §131.3(b)(f).

⁴ 40 C.F.R. §131.10(h)(1).

⁵ 40 C.F.R. § 131.3(e); 131.12(a)(emphasis added); *See e.g., Ohio Valley Env’tl. Coalition v. Horinko*, 279 F. Supp. 2d 732, 751 (W. D. Va. 2003).

⁶ 40 C.F.R. §131.10(h)(1); EPA, Water Quality Standards Handbook, Ch. 2: Designation of Uses (EPA-823-B-12-002-2012), p. 9, available at <https://www.epa.gov/sites/production/files/2014-10/documents/handbook-chapter2.pdf>

⁷ 40 C.F.R. § 131.10(g),(j).

⁸ Minn. Stat. § 115.44, subd. 3(3)(emphasis added).

⁹ Minn. R. 7050.0255, subp. 4 (emphasis added).

¹⁰ *Id.*, subp. 15 (emphasis added).

In fact, the Minnesota rule section classifying aquatic life states that Class 2 “includes all waters of the state **that support or may support** aquatic biota, bathing, boating, or other recreational purposes and for which quality control is or may be necessary to protect aquatic or terrestrial life or their habitats or the public health, safety, or welfare.”¹¹

MPCA’s amendment to “fix” the violation of CWA and state statutes released at the rule hearing on December 11, 2019 is insufficient and creates additional concerns. MPCA’s new proposal would add the text in red below:

[MPCA Proposed Minn. R. 7050.0420, item B]

Cold water habitat waters identified as class 2A, 2Ae, or 2Ag in part 7050.0470 must reflect an existing beneficial use **or feasibly attainable use** that permits propagating and maintaining a healthy community of cold water aquatic biota and their habitats. (red text proposed by MPCA).

As is clear from the underlined phrase above, adding a phrase about trout uses being “feasibly attainable” doesn’t alter the text that is the most problematic in MPCA’s proposed rule. The requirement that the use “*permits*” a healthy community is based present use and findings, excluding waters that may have permitted trout or other cold water biota at any time since November 28, 1975 and waters that may permit support of such biota if pollution is controlled or hydrologic changes reversed. In addition, as citizen scientists testified at the hearing, the phrase “feasibly attainable use” is vague and is not defined by either federal or Minnesota law.

Neither MPCA’s initial language proposed for Minn. R. 7050.0420, item B nor the modification proposed at hearing are authorized under the CWA or Minnesota statutes. This language must be rejected as outside the MPCA’s authority.

2. MPCA’s proposed rules would allow improper downgrading of trout waters.

Under MPCA’s proposed language for Minn. R. 7050.0420, item C, the Commissioner would be mandated to propose changes to the rule when scientific evidence supports **removing** as well as adding waters listed as Class 2A. The text of the CWA and its implementing regulations, the purpose of the CWA, and the actual results highlighted by citizen scientists at the December 11, 2019 hearing demonstrate that MPCA’s proposed rule would change the burden of proof that must be met before a classification related to trout/cold water habitat can be removed, virtually ensuring future downgrading of waters in violation of the CWA.

Section 101(a)(2) of the CWA¹² states that the Act’s objective “is to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” and sets a goal to be achieved of “water quality which provides for the protection and propagation of fish, shellfish, and wildlife

¹¹ Minn. R. 7050.0140, subp. 3 (emphasis added).

¹² Section 101(a)(2) of the Clean Water Act is 33 U.S.C. §1251(a)(2).

and provides for recreation in and on the water.”¹³ The language and intent of the CWA is to maintain designations of uses that protect fish and remove pollution, not to take away classifications when current conditions fail to support healthy fish communities.

As explained previously, the CWA and its implementing regulations prevent a state from removing an existing use of a water body unless a use requiring more stringent criteria is added.¹⁴ Even where there is no “existing” (since November 28, 1975) beneficial use of a water, the CWA requires a use attainability analysis to demonstrate in a structured way that attainment is not feasible before any classification related to fish can be removed or downgraded.¹⁵ Nothing in the rulemaking record indicates that MPCA followed the requirements of the CWA regulations in proposing to downgrade trout waters.

First, it is important to understand how the combination of protecting an “existing use” and performing a “use attainability analysis” apply under CWA regulations. First, a private entity or agency would have to show that even though a water was designated as a “trout water” some time since 1975, it never really was a water that could support trout. This is not impossible. For example, if the Minnesota Department of Natural Resources (“DNR”) tried several times since 1975 to stock a stream for trout, but the fish never survived there, the stream might be listed as a trout stream without trout actually being an “existing use.”

Under those circumstances, the “use attainability analysis” or “UAA” would come into play to make sure that waters with the potential use for trout were not downgraded. MPCA could only remove a trout stream designation if the structured scientific process known as the “use attainability analysis” showed that attaining a future trout/cold water habitat use was not feasible. Federal CWA regulations set the requirements of a UAA, and even low water levels or pollution would not preclude keeping the designation unless they could not be compensated for or remedied.¹⁶

Why does WaterLegacy believe that the MPCA did not follow the process required by CWA regulations? Both Dr. Howard Markus and Mr. John Lenczewski testified at the December 11 hearing that some of the specific waters MPCA proposed to downgrade from Class 2A had a history of use for trout. They noted that the brief summaries for MPCA’s proposed reclassifications lacked evidence and fell short of a UAA. Based on these examples, WaterLegacy is concerned that the process used by MPCA to propose downgrading trout waters did not comply with CWA regulations.

Downgrading Class 2A waters to Class 2Bd without a thorough analysis of use for trout/cold water habitat at any time since November 28, 1975 fails to recognize past beneficial use. Downgrading waters without a use attainability analysis fails to recognize future potential use. Such proposed

¹³ 33 U.S.C. § 1251(a), (a)(2).

¹⁴ 40 C.F.R. §131.10(h)(1).

¹⁵ 40 C.F.R. § 131.10(j)

¹⁶ 40 C.F.R. §131.10(g).

changes in designation are inconsistent with federal CWA regulations and with state law. They are also unreasonable.

WaterLegacy believes that the protocol used by MPCA and set out in its proposed Class 2 rules shifts the burden of proof away from preserving a beneficial use in a manner not authorized by existing law. Federal regulations and Minnesota's current rules would place the burden of proof on an interest group or agency seeking to downgrade a Class 2A trout water to demonstrate that at no time since November 28, 1975 has that water been an existing use for trout and other cold water biota. Under current law, in effect, the trout water would be innocent (of being a bad classification) until proven guilty.

Under MPCA's proposed rule, even a previously designated trout water would be guilty (of not really being a trout water) until proven innocent. Unless there was proof that "an existing beneficial use" of water "permits propagating and maintaining a healthy community of cold water aquatic biota and their habitats," the MPCA would be required to remove the Class 2A use. The MPCA acknowledged at the December 11, 2019 hearing that an "existing use" is a use at any time since November 28, 1975. But the "permits propagating and maintaining" language still improperly shifts the burden of proof. If a designated trout stream has been channeled or polluted for years and no longer supports cold water biota, proving that a healthy community of trout or cold water insects was maintained there in 1975 or 1985 would often create an insuperable barrier. This record, as shown by citizen scientists, suggests that MPCA's new protocol and new designations

Under MPCA's proposed rules, the Commissioner would be compelled to remove a CWA Section 101(a)(2) use of waters when recent data shows no evidence that the water body permits propagating and maintaining cold water biota. Downgrading waters using a process that shifts the burden of proof in the interest of current "accuracy" rather than restoration of water quality is outside MPCA's authority under the CWA. Such a shift in the nature of analysis and proof is also unreasonable.

3. The proposed rules are neither needed nor reasonable.

An agency seeking to promulgate a rule must demonstrate the "need for and reasonableness of" the rule.¹⁷ MPCA is obligated under Minn. Stat. § 14.131(7) to assess the differences between the proposed rule and the regulations and has not shown that the rule is reasonable.¹⁸ This obligation has not been met. MPCA's SONAR asserts four "needs" for its proposed Rule. They are all unsupported.

¹⁷ Minn. Stat. §§ 14.131, 14.23.

¹⁸ See Report of the Chief Administrative Law Judge and Report of the Administrative Law Judge, *In the Matter of the Proposed Rules of the Pollution Control Agency Amending the Sulfate Water Quality Standard Applicable to Wild Rice and Identification of Wild Rice Rivers*, (Office of Admin. Hearings, Jan. 9, 2018) (No. OAH 80-9003-34519) ("ALJ Sulfate Standard Report") ¶152, available at https://mn.gov/oah/assets/9003-34519-pca-sulfate-water-quality-standards-wild-rice-rules-report_tcm19-323507.pdf

First, MPCA states¹⁹ that the proposed rule is needed to designate tiered aquatic life uses (“TALU”) of waters. This statement is not completely accurate. MPCA already has authority for TALU adopted in prior rules, and the proposed rules do not affect this general authority. If MPCA means that the designations of new trout waters are needed to apply TALU tiered uses, a more modest change in rules, as proposed in Attachment A to these comments would have served this need. And if MPCA means that the proposed rule is necessary to allow trout waters to be downgraded based on an assessment of current aquatic life uses, this approach is less protective than that required by CWA and is unneeded and undesirable as well as unauthorized.

Second, MPCA states that the rule is needed to designate habitats based on accurate data. MPCA can *upgrade* designations and list additional trout waters based on current data without new text for Minn. R. 7050.0420. The problem with changes to the rule is that they would allow MPCA to use current data alone to downgrade designations of trout waters. Such a change is neither authorized under the CWA, needed, nor reasonable.

Third, MPCA states that the proposed rule is needed to “improve targeting of water management resources.” This statement is problematic. MPCA’s job under chapter 115 and chapter 116 of Minnesota Statutes is to administer laws, limit pollution, and comply with the CWA, not to manage public water resources.²⁰ At best, the proposed rule distracts from MPCA’s primary duties to control pollution and set pollution allocations and best management practices to restore impaired waters, including trout waters. At worst, the proposed rule and MPCA’s plans to revisit whether drinking water standards should apply to cold water habitat waters suggest that the proposed rule will help move MPCA farther away from restoration of impaired waters.

Finally, MPCA claims that the proposed rule “modernizes” language to *ensure compliance* with the Clean Water Act and Minnesota statutes. This is not true. WaterLegacy and others have pointed out that the proposed rule conflicts with the CWA and Minnesota law. Modernizing rule language to explicitly include other cold water biota in Minn. R. 7050.0420 does not require changes to make it easier and even mandatory to remove trout water designations.

MPCA’s proposed rules are also neither needed nor reasonable, since they fail to reflect coordination with key stakeholders. As highlighted in public hearing testimony, MPCA’s proposed rules would create discrepancies between waters managed for trout by the DNR and waters protected from pollution as trout waters/cold water habitat waters. These discrepancies²¹ should have been resolved and explained to the public before rules were proposed. MPCA also seems to have developed its proposed rules without consulting stakeholders who value trout streams, including conservation groups (such as Trout Unlimited and the Izaak Walton League),

¹⁹ See MPCA, Statement of Need and Reasonableness (“SONAR”) at 3-4 for summary of claimed needs for the proposed rule.

²⁰ See *e.g.* Minn. Stat. § 115.03, subd. 1 (a)-(c). Neither Chapter 115 nor Chapter 116 authorize MPCA to generally manage public waters or target water management resources.

²¹ Discrepancies to be resolved with a transparent explanation include the differences in listing for pollution control and management and the removal of “tributaries” from protection in proposed rule changes to Minn. T. 7050.0420, item A.

landowners with trout streams on or near their property, and small businesses reliant on tourism and recreational fishing for revenue. Mr. David Zentner pointed out at the December 11, 2019 hearing that he spoke with DNR Fisheries Managers in northeast Minnesota; to his surprise, they were completely unaware of the proposed rule change.

Even MPCA's final notice²² lacked any statement saying that some Class 2A trout waters would be reclassified for Class 2B uses, let alone specifying which waters would be downgraded. Proposed rules that do not reflect inter-agency coordination or involvement of communities concerned about resource protection are unreasonable.

4. The proposed rules would allow removal of drinking water standards for sulfate.

At the December 11, 2019 hearing, MPCA responded to questions raised by members of the public and the ALJ about the impact of MPCA's proposed rule change on the application of sulfate standards for drinking water to waters that are currently designated as Class 2A trout waters, but could be classified for a Class 2B use were the rule to be enacted. Many members of the public as well as the Grand Portage Band of Lake Superior Chippewa, in its written comments, expressed the concern that failure to control sulfate pollution increases mercury methylation and bioaccumulation in the food chain, resulting in neurological impairment of fetuses, infants and children in Minnesota. The ALJ Sulfate Standard Report noted similar concerns in rejecting MPCA's proposed to repeal the wild rice sulfate standard in January 2018 as defective and violative of the federal CWA.²³

WaterLegacy believes MPCA's responses at the hearing regarding potential effects of the rule on application of sulfate standards were misleading. The specific set of waters MPCA proposed to downgrade from Class 2A to Class 2Bd²⁴ won't immediately affect sulfate standards and mercury methylation. Under existing Minnesota rules, for the time being, drinking water standards including the 250 parts per million ("mg/L") sulfate standard, are applicable to Class 2Bd waters. Minn. R. 7050.0222, subp. 3.

However, this is an artifact. Under current rules, 259 trout waters are classified Class 2A "cold water aquatic life and habitat" water.²⁵ Under Minnesota rules, Class 1 drinking water quality standards, including the 250 mg/L sulfate limit, are applied to each of these Class 2A waters.²⁶ Notably, every Class 2A trout water protected for drinking water use currently has a water quality standard limiting sulfate to 250 mg/L.

²² Notice attached as **Ex. 1**.

²³ ALJ Sulfate Standard Report, *supra* at ¶¶ 69, 219-227.

²⁴ MPCA Technical Report at 2.

²⁵ Minn. R. 7050.0240, 7050.0470.

²⁶ Minn. R. 7050.0220, subp. 1, item A and subp. 3a(30); 7050.0222, subp. 2.

Here's the catch. According to MPCA's TALU rules,²⁷ trout waters can be reclassified from a Class 2A use to a Class 2B_g use (not a Class 2B_d use) if they are currently "general" and not "exceptional" waters, even if they still provide cold water habitat.²⁸ Such Class 2B designations are not protected as a source of drinking water, so the sulfate limit would not apply. See Minn. R. 7050.0222, subp. 4.

Nothing in MPCA's proposed Class 2 rule prevents a trout water from being downgraded to a Class 2B use that lacks any protection from sulfate pollution. In fact, neither the SONAR nor the Technical Report even use the word "sulfate."

In addition, the SONAR states that MPCA's next rule process will be to review whether either Class 2A waters or Class 2B_d waters should retain the Class 1B designation and be protected by the 250 mg/L limit on sulfate that applies to drinking water.²⁹ Based on ten years seeking to enforce Minnesota's limits on sulfate and opposing rules and bills proposed to weaken sulfate limits, WaterLegacy is concerned that MPCA's proposed Class 2 rules are yet one more unnecessary and unreasonable step in the erosion of Minnesota limits on sulfate pollution.

5. Mining companies are among the stakeholder beneficiaries of the proposed rule.

Several members of the public asked in their testimony on December 11, 2019 which stakeholders had requested adoption of the proposed rules. MPCA responded by referencing a municipality that wanted to reclassify two local waters from limited use waters (Class 7) to Class 2 waters with a use for fish and other aquatic life. MPCA's response, although not inaccurate, was quite misleading.

Comments in the record and comments in other recent MPCA rulemaking demonstrate that downgrading of Class 2A trout waters to Class 2B waters has been advocated by taconite mine companies seeking to prevent enforcement of sulfate standards to control their pollution. MPCA knows that U.S. Steel requested reclassification of the Dark River, which is now designated as a Class 2A water to which Class 1B sulfate drinking water standards apply.³⁰ In December 2016, U.S. Steel had also sought a variance from MPCA to allow U.S. Steel to violate the 250 mg/L sulfate limit in the trout stream segment of the Dark River downstream of its Minntac tailings basin.³¹

Cleveland-Cliffs submitted comments supporting the reclassification of Wyman Creek, a Class 2A trout water downstream of Cliff's taconite mine pits, in this rulemaking. Cliffs' comments and its attached consultant's report used current and recent biological monitoring to argue that Wyman

²⁷ WaterLegacy opposed the TALU changes when they were adopted in 2017, due to concerns that they could result in downgrading classifications, particularly trout waters, in the future.

²⁸ SONAR at 2.

²⁹ See *Id.* at fn. 6.

³⁰ See MPCA letter to U.S. Steel Oct. 29, 2018 (Response to Petition for Reclassifying Classes 1B, 3B and 4A Beneficial Uses in the Dark River Designated Trout Stream), **Ex. 2**.

³¹ See U.S. Steel, Application for a Variance for Surface Discharge (December 2016), excerpt in **Ex.2**.

Creek currently “does not consistently meet” the northern cold water habitat streams biota criterion under “MPCA’s most recent calculation protocols.”³² As for earlier data, Cliffs’ consultant reaches its conclusion with no more historical data than aerial imagery; its recommendation to remove Class 2A designation doesn’t even mention effects of polluted seepage from mine pits.³³

The proposed rules would specifically reclassify the Swan River, East Swan River and Barber Creek (East Swan River) in the St. Louis River watershed from a Class 2A to a Class 2Bdg use under the new cold water review proposed rules.³⁴ Although the Technical Report for this rulemaking to downgrade Swan River waters doesn’t mention mining impacts, the Swan River is a receiving water for U.S. Steel Keetac taconite mine sulfate discharge.³⁵ MPCA’s Watershed Monitoring and Assessment Report explains that this watershed area is impacted by “altered hydrology and mining.”³⁶

Minnesota has only a handful of dischargers that would benefit from removal of sulfate drinking water standards by downgrading trout waters. They include several existing taconite mining companies and, potentially, would include future copper-nickel mines. MPCA should have shared this information in responses to questions from Minnesota citizens. The need and reasonableness for the proposed Class 2 rule is affected by its beneficiaries, and public confidence that need and reasonableness are fairly described is undermined by MPCA’s lack of candor regarding mining industry stakeholder interests in the rule change.

6. The proposed rule has ramifications for limiting wild rice waters.

On its face, MPCA’s proposed rule affects trout and the designation of cold water aquatic life habitats. In addition, the proposed rule would fundamentally change the way in which Minnesota designates beneficial uses of water. Shifting the burden of proof regarding “existing uses” and allowing removal of a use when current conditions do not permit the propagation and support of that use is a radical departure from precedent.

In the wild rice sulfate standard rulemaking, the ALJ rejected MPCA’s proposal to remove wild rice waters previously listed by the DNR if the wild rice waters lacked data establishing a specific density or quality.³⁷ The ALJ concluded and the Chief ALJ concurred that MPCA’s proposed

³² Cleveland-Cliffs Comments on the Proposed Class 2 Rules (Nov. 7, 2019) and attached Barr Memorandum (Nov. 7, 2019) Wyman Creek Aquatic Life Beneficial Use Designation Review are in the rulemaking record. Quotes are from page 11 of the Barr Memorandum.

³³ *Id.*, more generally, Cleveland-Cliffs comments and Barr Memorandum.

³⁴ MPCA, Technical Report at 3.

³⁵ See excerpts from U.S. Steel Applications for Keetac Mining Area (NPDES/SDS Permit #MN0031879) and Keetac Tailings Basin (NPDES/SDS Permit #MN0031879)(December 2009), **Ex. 3**.

³⁶ MPCA, St. Louis River Watershed Monitoring and Assessment Report (March 2013) at 60, available at <https://www.pca.state.mn.us/sites/default/files/wq-ws3-04010201b.pdf>.

³⁷ ALJ Wild Rice Sulfate Report at ¶¶ 268-288.

constraints on designation of wild rice beneficial uses violated the federal CWA and must be disapproved.³⁸

Approving rules that facilitate the downgrading of trout waters by focusing on the present and shifting the burden of proof would conflict with the ALJ Sulfate Standard Report. The proposed new “normal” could also serve as precedent to limit designation and protection of wild rice waters to only those waters that currently demonstrate a healthy community of wild rice. For this reason, as well, MPCA’s proposed rule change is unauthorized, unneeded and unreasonable.

Conclusion

WaterLegacy requests the Administrative Law Judge take the following actions:

- 1) Reject MPCA’s proposed amendments to Minn. R. 7050.0420 pertaining to trout/cold water habitat waters as outside the MPCA’s authority, unnecessary, and unreasonable without the changes proposed in Attachment A to this comment letter.
- 2) Reject MPCA’s proposed changes in designation of certain waters from Class 2A to Class 2Bd on the grounds that such waters can only be downgraded in accordance with existing law, which places the burden of proof on MPCA: a) to demonstrate that such waters have not at any time since November 28, 1975 been a trout water/cold water habitat water and; b) even if there was no such “existing use,” that a use attainability analysis would not support retaining a trout water/cold water habitat designation. The record does not demonstrate that this standard has been met.
- 3) Accept all of MPCA’s proposed changes to make designation of waters more protective as reasonable and appropriately based on current data.

Respectfully submitted,



Paula G. Maccabee

Advocacy Director and Counsel for WaterLegacy

Attachment A and Exhibits 1-3 Enclosed

³⁸ *Id.*, Report of the Chief ALJ, p. 1.

ATTACHMENT A

The following changes in MPCA's proposed rule are needed to cure its defects and comply with Minnesota Statutes and the Clean Water Act ("CWA").¹ This amended text would modernize rule language and require MPCA to propose changes to add new trout/cold water habitat waters without undermining protections or violating the CWA.

7050.0420 ~~TROUT COLD WATER HABITAT~~ WATERS.

A. ~~Trout lakes identified in part 6264.0050, subpart 2, as amended through June 14, 2004, are classified as trout waters and Cold water habitat waters, including trout waters and their tributaries identified in part 6264.0050, subparts 2 and 4, as amended through June 14, 2004 and not changed under this subpart,~~ are listed under part 7050.0470. ~~Trout streams and their tributaries within the sections specified that are identified in part 6264.0050, subpart 4, as amended through June 14, 2004, are classified as trout waters. Trout streams are listed in part 7050.0470. Other lakes that are classified as trout waters are listed in part 7050.0470.~~

B. ~~Waters designated as a beneficial use for cold water habitat, including trout waters, shall be identified as Cold water habitat waters identified as class 2A, 2Ae, or 2Ag in part 7050.0470. must reflect an existing beneficial use that permits propagating and maintaining a healthy community of cold water aquatic biota and their habitats.~~

C. ~~The commissioner must propose changes to part 7050.0470 when reliable scientific evidence supports adding or removing a cold water habitat existing use as a water listed as class 2A, 2Ae, or 2Ag water. Changes must be supported by data relevant to the biological community, habitat, thermal regime, or other features of a class 2A, 2Ae, or 2Ag habitat. The commissioner may propose changes to part 7050.0470 when it can be reliably determined that a water listed as class 2A, 2Ae or 2Ag is not an existing use under part 7050.0225, subp. 15 and a use attainability assessment demonstrates that attainment of the use would not be feasible.~~

7050.0420 COLD WATER HABITAT WATERS.

A. Cold water habitat waters, including trout waters and their tributaries identified in part 6264.0500, subparts 2 and 4, as amended through June 14, 2004 and not changed under this subpart, are listed under part 7050.0470.

B. Waters designated as a beneficial use for cold water habitat, including trout waters, shall be identified as class 2A, 2Ae, or 2Ag in part 7050.0470.

C. The commissioner must propose changes to part 7050.0470 when reliable scientific evidence supports adding a cold water habitat existing use as a class 2A, 2Ae, or 2Ag water. The commissioner may propose changes to part 7050.0470 when it can be reliably determined that a water listed as class 2A, 2Ae or 2Ag is not an existing use under part 7050.0225, subp. 15 and a use attainability assessment demonstrates that attainment of the use would not be feasible.

¹ WaterLegacy's changes to MPCA's proposed rule are indicated in red lettering as well as redline, then the rule as it would read with the proposed changes is provided below.

OAH Docket No. 65-9003-35561

WaterLegacy Post-Hearing Comments (December 30, 2019)
Proposed Amendments to Rules Governing Water Quality Standards –
Class 2 and Class 7 Use Designations
Minnesota Rules chapter 7050

EXHIBITS

Minnesota Pollution Control Agency

Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, *Minnesota Rules* chapter 7050

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-4561

Plain English Summary. This notice is the Minnesota Pollution Control Agency's (MPCA) legal notice of its intent to adopt amended use designation rules for Class 2 and Class 7 waters. The overall purpose of the rules is to update the use designations for some state waters. The "designated use" is a component of water quality standards that defines how the water is used (e.g. drinking water, aquatic life, recreation). The proposed rules assign appropriate use designations to individual waterbodies.

This notice provides an opportunity for the public to comment on the proposed rules. Anyone who would like to comment on the proposed rule language must submit written comment or a written request for a hearing on the proposed rules by the deadline identified below. The Subject of Rules section provides additional information about the proposed rules. If the proposed rules affect you in any, the MPCA encourages you to participate in the rulemaking process.

Public Information Meeting. The MPCA has scheduled a public information meeting on the proposed rules. The meeting will be held at the MPCA Saint Paul office and via WebEx on **Tuesday, October 29, 2019, 3:00 - 5:30 p.m.** The purpose of the meeting is to provide an overview of the proposed rules so that interested persons are able to ask questions and provide written comment on the proposed rules. Information about the public information meeting is available on the rulemaking website at <https://www.pca.state.mn.us/water/wqs-designated-uses>.

Introduction. The MPCA intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by **4:30 p.m. on Thursday, November 7, 2019**, the MPCA will hold one public hearing to be convened at **3:30 p.m. on Wednesday, December 11, 2019**. The hearing will continue until all parties have been heard or until the Administrative Law Judge (ALJ) adjourns it. The public hearing will be held at the following locations:

- MPCA Saint Paul Office, 520 Lafayette Road North, Saint Paul, Minnesota 55155
- MPCA Duluth Office, 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802
- MPCA Detroit Lakes Office, 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501
- MPCA Marshall Office, 504 Fairgrounds Road, Suite 200, Marshall, Minnesota 56258
- MPCA Rochester Office, 18 Wood Lake Drive SE, Rochester, Minnesota 55904

The MPCA will hold the hearing simultaneously at the five locations listed above via videoconference. The ALJ will conduct the hearing from the Saint Paul location. MPCA staff will be present at all five locations to facilitate the process and to ensure that all persons attending will be able to see, hear, and speak during the hearing. Directions to these offices is available on the MPCA website at <https://www.pca.state.mn.us/about-mpca/mpca-offices>.

To find out whether the MPCA will adopt the rules without a hearing or if it will hold the hearing, you should contact the MPCA contact person identified below after **Thursday, November 7, 2019**, and before **Wednesday, December 11, 2019**.

Subject of Rules. Minnesota's surface waters are currently assigned, or designated, a number of possible beneficial uses (e.g., drinking water, aquatic life, and recreation such as fishing and swimming) based on which beneficial uses are or should be attained in those waters. Different physical and chemical criteria apply depending on the beneficial uses that need to be protected in each water. The MPCA routinely reviews use designations to ensure that assigned beneficial uses are protective and attainable as defined by the Clean Water Act and Minnesota Rule. As the result of routine monitoring, stakeholder requests, and data generated by the Minnesota Department of Natural Resources (MDNR) trout waters rulemaking, the MPCA has identified waterbodies where the currently designated beneficial use does not accurately reflect an attainable use. The designated beneficial use for each water body must be correct and appropriate because the designated use affects many water quality protection and restoration efforts (e.g. assessment, stressor identification, National Pollutant Discharge Elimination System permitting, and Watershed Restoration and Protection Strategies). The proposed rules update designated uses for some state waters to improve their restoration and protection. Assigning the appropriate beneficial use is an important first step in the process to assure the goals for each water body are attainable and can be protected.

The proposed rules do not change numeric or narrative water quality standards. The proposed rules make updates and corrections to Class 2 (Aquatic Life) and Class 7 (Limited Resource Value Waters) beneficial use designations or classifications for streams and lakes. These updates fall into two groups: 1) reviewing streams and lakes for appropriate classification as cold or warm water habitats; and 2) reviewing streams under the tiered aquatic life use (TALU) framework. The TALU rules are a framework for classifying streams based on the aquatic life each supports or has the potential to support, and builds upon existing water quality standards. Described below are the main parts of the rule amendments the MPCA is proposing. For more information about the proposed rules, please refer to the statement of need and reasonableness (SONAR) which is available as stated below.

1. Minn. R. 7050.0420. The proposed rules update the list of waters designated as cold water streams and lakes, and modernize the process for designating cold and warm/cool water habitats. The current use designation framework adopts the designations in MDNR rules Minn. R. 6264.0050; however, these designations are driven by the goals and objectives of the MDNR, not the MPCA. The proposed revision would remove the link between Minn. R. 7050.0420 and 6264.0050 and allow the MPCA to designate cold water habitats based on evidence supporting the designation. This update will align the waters designated as Class 2A, 2Ae, and 2Ag in Minn. R. 7050.0470 to regulatory goals in Minnesota and federal regulations for the protection of cold water aquatic life and habitat.
2. Minn. R. 7050.0470. The proposed rules revise Class 2 lake use designations for four lakes in Minn. R. 7050.0470 to assign the correct and appropriate designated use (warm/cool or cold water habitat) to each water body. The MPCA is also updating the documents incorporated by reference in Minn. R. 7050.0470 that list the specific use designations, and updating the use designations for approximately 200 stream reaches under the TALU framework.

Availability of Rules. A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed on the rulemaking website at <https://www.pca.state.mn.us/water/wqs-designated-uses>. A free copy of the rules is also available upon request from the MPCA contact person identified below.

Statement of Need and Reasonableness. The SONAR summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The MPCA posted the SONAR on the rulemaking website at <https://www.pca.state.mn.us/water/wqs-designated-uses>. A print copy is available for the cost of reproduction by contacting the MPCA contact person identified below.

Public Comment. You have until **4:30 p.m. on Thursday, November 7, 2019**, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the deadline. Submit written comments to the Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>. If it is not possible to use the eComments website, comments may be submitted in person, via United States mail, or by facsimile addressed to Administrative Law Judge Ann C. O'Reilly at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620 or at 651-539-0310 (fax). Any questions about rule procedures or submitting comments via the eComments website should be directed to Ian Lewenstein, Office of Administrative Hearings Rules Coordinator, at 651-361-7857 or ian.Lewenstein@state.mn.us. All comments received are public and will be available for review at the Office of Administrative Hearings and on the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>. After the close of the comment period on November 7, 2019, the comments will also be available for viewing at the MPCA's rulemaking website at <https://www.pca.state.mn.us/water/wqs-designated-uses>.

Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Modifications. The MPCA may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. The modifications must be supported by comments and information submitted to the MPCA or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110.

Request for a Hearing. In addition to submitting comments, you may also request that the MPCA hold a public hearing on the proposed rules. You have until **4:30 p.m. on Thursday, November 7, 2019**, to submit your written request for a hearing to the agency contact person, Mary H. Lynn, at MPCA, 520 Lafayette Road North, Saint Paul, Minnesota 55155-4194, or mary.lynn@state.mn.us. Requests for hearing can be submitted in person, by United States mail, or by electronic mail. Your written request for a public hearing must include your name and postal address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the MPCA cannot count it when determining whether it must hold a public hearing. You are encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the MPCA will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA reserves the option to remove any section of the rule that may be controversial and to proceed without a hearing on the noncontroversial parts of the proposed rules.

Cancellation of Hearing. The MPCA will cancel the hearing scheduled for **Wednesday, December 11, 2019**, if the MPCA does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether the hearing will be held. You may also call the MPCA contact person identified below after **Thursday, November 7, 2019**, to find out whether the hearing will be held or go to the rulemaking website at <https://www.pca.state.mn.us/water/wqs-designated-uses>.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the MPCA will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard or until the ALJ adjourns it. ALJ, the Honorable Judge Ann C. O'Reilly, is assigned to conduct the hearing. Judge O'Reilly's legal assistant Sheena Denny can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7881, and 651-539-0310 (fax) or Sheena.Denny@state.mn.us.

Hearing Procedure. If the MPCA holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the ALJ to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the ALJ may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the MPCA and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the ALJ via the Office of Administrative Hearings rulemaking eComments website at <https://minnesotaoah.granicusideas.com> no later than **4:30 p.m.** on the due date. If it is not possible to use the OAH eComments website, comments may be submitted in person, via United States mail, or by facsimile addressed to Administrative Law Judge Ann. C. O'Reilly at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620 or at 651-539-0310 (fax). All comments or responses received will be available for review at <https://minnesotaoah.granicusideas.com> or at the Office of Administrative Hearings. After the close of the post-hearing comment and rebuttal period, all comments and responses will be available for review at the MPCA offices and on the MPCA rulemaking website at <https://www.pca.state.mn.us/water/wqs-designated-uses>. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the

rulemaking procedure to the ALJ or the Office of Administrative Hearings Rules Coordinator, Ian Lewenstein, at 651-361-7857 or ian.Lewenstein@state.mn.us.

Adoption Procedure if No Hearing. If no hearing is required, the MPCA may adopt the rules after the end of the comment period. The MPCA will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the MPCA submits the rules to the Office of Administrative Hearings. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your written request to the MPCA contact person identified below.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the ALJ will issue a report on the proposed rules. You may ask to be notified of the date that the ALJ's report will become available, and can make this request at the hearing or in writing to the ALJ. You may also ask to be notified of the date that the MPCA adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the MPCA contact person identified below.

Statutory Authority. *Minnesota Statutes*, section 115.03, subdivision 1 grants the MPCA general authority to promulgate and/or revise rules relating to pollution of waters of the state, classify waters of the state, and to adopt water quality standards. *Minnesota Statutes*, section 115.44 grants the MPCA the additional authority to group designated waters of the state into classes.

MPCA Contact Person. The MPCA contact person is Mary H. Lynn at the MPCA, 520 Lafayette Road North, Saint Paul, Minnesota 55155-4194; telephone 651-757-2439; and mary.lynn@state.mn.us. You may also call the MPCA at 651-296-6300 or 800-657-3864 or use your preferred relay service info.pca@state.mn.us.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the MPCA contact person.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at Suite #190, Centennial Building, 658 Cedar Street, Saint Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.



Laura Bishop, Commissioner
Minnesota Pollution Control Agency

9/12/2019

Date

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

October 29, 2018

Ms. Chrissy Bartovich
Director – Environmental
Minnesota Ore Operations
United States Steel Corporation
P.O. Box 417
Mountain Iron, MN 55768

Re: Response to Petition for Reclassifying Classes 1B, 3B, and 4A Beneficial Uses in the Dark River
Designated Trout Stream

Ms. Bartovich:

This letter acknowledges receipt of United States Steel Corporation's (U.S. Steel) petition for reclassifying Classes 1B, 3B, and 4A Beneficial Uses in the Dark River Designated Trout Stream submitted to the Minnesota Pollution Control Agency (MPCA) on August 31, 2018. As part of the petition, U.S. Steel provided a document titled "Information Supporting a Use and Value Determination (UVD) for the Dark River Designated Trout Stream for Class 1B, 3B, and 4A Beneficial Uses".

Minnesota Rules, part 7050.0405, subpart 2 specifies that:

Upon receiving a petition, the commissioner has 60 days to reply in writing and indicate a plan for disposition of the petition. The commissioner may request additional information from the petitioner if the request is considered incomplete, in which case the commissioner has 60 days to reply after the additional information is received and the petition is complete. If the commissioner finds that the evidence submitted supports a review of the designated uses, a use attainability analysis must be commenced within six months of the commissioner's reply to the complete petition. The petition becomes part of the use attainability analysis. If the commissioner finds that the use attainability analysis supports a change in use classification, the commissioner shall propose the change through rulemaking.

The MPCA considers U.S. Steel's request complete. The evidence submitted by U.S. Steel on August 31, 2018, supports the requested review of the designated use. The MPCA has commenced reviewing the information in order for further development into a use and value demonstration. The MPCA plans to publish a Request for Comments regarding the proposed use change, and whether the available information fully supports such a change, in the *Minnesota State Register* within six months.

Sincerely,



Catherine Neuschler, Manager
Water Assessment and Environmental Information Section
Environmental Analysis and Outcomes Division

Request for Variance

- **Application for a Variance from Water Quality Standards for Groundwater**
- **Application for a Variance for Surface Discharge Station SD001 from Select Constituents for Class 1B, Class 3, and Class 4 Water Quality Standards**
- **Application for a Variance for Select Surface Waters and Surface Water (SW) Monitoring Locations for upper Dark River, Timber Creek, Sand River, Admiral Lake, Little Sandy Lake, and Sandy Lake from Select Constituents for Class 1B, Class 3, and Class 4 Water Quality Standards**

DRAFT NPDES/SDS Permit No. MN0057207

Prepared for
U. S. Steel Minntac



December 2016



U. S. Steel Corporation
Minnesota Ore Operations
P.O. Box 417
Mt. Iron, MN 55768



December 21, 2016

Minnesota Pollution Control Agency
Attn: Fiscal Services – 6th Floor
520 Lafayette Road North
St. Paul, MN 55155-4194

**Re: U. S. Steel Minntac - Request for a Variance from Water Quality Standards
Draft NPDES/SDS Permit No. MN0057207**

Dear Sir/Madam:

Enclosed please find a request for a variance from water quality standards associated with draft NPDES/SDS Permit No. MN0057207 (U. S. Steel Minntac Tailings Basin). The enclosed request includes three parts and contains the required forms, signatures and reasoning behind the need for the variance. Per MPCA guidance the fees associated with the additional permitting activity are not included.

If you have any questions or concerns, please do not hesitate to contact me at (218) 749-7364, or via email at clbartovich@uss.com.

Sincerely,

A handwritten signature in blue ink that reads "Chrissy Bartovich".

Chrissy Bartovich
Director – Environmental
Minnesota Ore Operations
U. S. Steel

Enclosures

cc w/out enclosures:

Tishie Woodwell, U. S. Steel
Eric Williams, U. S. Steel
Tom Moe, U. S. Steel
David Smiga, U. S. Steel

resourceful. naturally.
engineering and environmental consultants



December 21, 2016

Erik Smith
Water Quality Permits, Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Rd. N.
St. Paul, MN 55155-4194

Minnesota Pollution Control Agency
Attn: Fiscal Services – 6th Floor
520 Lafayette Rd. N.
St. Paul, MN 55155-4194

**Re: Variance Request
United States Steel Corporation – Minntac
Draft NPDES/SDS Permit MN0057207**

Dear Mr. Smith:

This submittal is being made on behalf of United States Steel Corporation – Minntac (U.S. Steel) and comprises a variance request under Minn. R. 7000.7000 in response to the draft National Pollutant Discharge Elimination System / State Disposal System (NPDES/SDS) Permit No. MN0057207 (draft permit) issued on November 15, 2016. The specifics regarding this variance request are included as an attachment to this cover letter. The attached variance request is formatted as follows:

- *Transmittal Form (wq-wwprm7-03)*
 - Map indicating facility location included as Figure 1 and Figure 3 (for additional information see also Figure 1 included in each Variance Application)
 - Both the Schematic and Flow Diagram are included as Figure 2
 - Additional Station Location Attachment (wq-wwprm7-49)
- *Application for a Variance for Surface Discharge Station SD001 from Select Constituents for Class 1B, Class 3, and Class 4 Water Quality Standards*
 - Figure 1: Surface Water Discharge NPDES/SDS Variance
 - Appendix A: Variance Request Form (wq-wwprm2-10b)
- *Application for a Variance for Select Surface Water Segments and Surface Water (SW) Monitoring Locations for upper Dark River, Timber Creek, Sand River, Admiral Lake, Little Sandy Lake, and Sandy Lake from Select Constituents for Class 1B, Class 3, and Class 4 Water Quality Standards*
 - Figure 1: Surface Water and Surface Water Monitoring Stations NPDES/SDS Variance
 - Appendix A: Variance Request Form (wq-wwprm2-10b)
- *Application for a Variance for Water Quality Standards for Groundwater*
 - Figure 1: Ground Water Monitoring Stations NPDES/SDS Variance

Mr. Erik Smith
December 21, 2016
Page 2

- Appendix A: Variance Request Form (*wq-wwprm2-10b*)
- *Appendix B: Economic Information (applies to each Application for a Variance document)*

It is our understanding that the fee for a variance request under Minn. R. 7000.7000 in the amount of \$10,850 will be billed separately to U.S. Steel. Please feel free to contact Ms. Chrissy Bartovich at (218) 749-7364 or myself at (952) 832-2616 or khanson@barr.com.

Sincerely,



Keith Hanson
Vice President
Senior Environmental Consultant
Barr Engineering Co.

cc:
Chrissy Bartovich, U. S. Steel
Eric Williams, U. S. Steel
Tom Moe, U.S. Steel
David Smiga, U. S. Steel
Tom Holstrom, Barr Engineering Co.



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194



Transmittal Form
NPDES/SDS Permit Program

Doc Type: Permit Application

Instructions on Page 6

The National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit Program regulates wastewater discharges to land and surface waters. This form is required for all applicants, except permit termination/transfer.

Complete the application by typing or printing in black ink. Attach additional sheets as necessary. For more information, please contact the Minnesota Pollution Control Agency (MPCA) at: In Metro Area: 651-296-6300 or Outside Metro Area: 800-657-3864.

MPCA use only
MN 0057207
Permit Number
12/22/2016
Date Received (MM/DD/YYYY)

Existing Permit Information

Existing Permittee name: United States Steel Corporation

Existing Permit number: MN 0057207

Contact Information

1. Facility Owner

Organization name: United States Steel Corporation

Mailing address: 600 Grant Street

City: Pittsburgh

State: PA

Zip: 15219

Telephone: N/A

Fax: N/A

E-mail: N/A

Authorized agent: Travis Kolari

Title: Acting General Manager MN Ore Operations

2. Facility Operator

Organization name: United States Steel Corporation - Minnesota Ore Operations - Minntac

Mailing address: 8771 Park Ridge Drive

City: Mountain Iron

State: MN

Zip: 55768

Telephone: 218-749-7200

Fax: N/A

E-mail: N/A

Authorized agent: Travis Kolari

Title: Acting General Manager MN Ore Operations

24-hour Emergency contact backup:

Name: Plant Protection

Phone: 800-752-7299

3. Discharge Monitoring Report contact

Organization name: United States Steel Corporation, Minnesota Ore Operations - Minntac

Name: Thomas A. Moe

Title: Environmental Control Engineer

Mailing address: P.O. Box 417

City: Mountain Iron

State: MN

Zip: 55768

Telephone: 218-749-7485

Fax: 218-749-7360

E-mail: tmoe@uss.com

4. Billing contact

Organization name: United States Steel Corporation, Minnesota Ore Operations - Minntac

Name: Jameson T. Dixon

Title: Controller

Mailing address: P.O. Box 417

City: Mountain Iron

State: MN

Zip: 55768

Telephone: 218-749-7573

Fax: 218-749-7516

E-mail: jtdixon@uss.com

24-hour Emergency contact backup:

Name: N/A

Phone: N/A

5. Engineer or Consultant

Organization name: Barr Engineering Co.

Name: Keith Hansen

Title: Vice President/Senior Environmental Consultant

Mailing address: 4300 Market Pointe Drive

City: Minneapolis

State: MN

Zip: 55435

Telephone: 952-832-2616

Fax: 952-832-2601

E-mail: khansen@barr.com

Certified Operator Information (if applicable)

Certified operators are required for all municipal facilities and for industrial land application facilities.

6. Main certified operator

Name: N/A Title: _____
 Certification (check all that apply): ☐ A ☐ B ☐ C ☐ D ☐ Type IV ☐ Type v
 Certification number: _____ Expiration date: _____

7. Other certified operator(s) (attach additional sheets if necessary)

Name: N/A Title: _____
 Certification (check all that apply): ☐ A ☐ B ☐ C ☐ D ☐ Type IV ☐ Type v
 Certification number: _____ Expiration date: _____

Name: _____ Title: _____
 Certification (check all that apply): ☐ A ☐ B ☐ C ☐ D ☐ Type IV ☐ Type v
 Certification number: _____ Expiration date: _____

Name: _____ Title: _____
 Certification (check all that apply): ☐ A ☐ B ☐ C ☐ D ☐ Type IV ☐ Type v
 Certification number: _____ Expiration date: _____

Facility Information

8. Facility Information (Sand and gravel facilities can skip to #9.)

Facility name: United States Steel Corporation, Minnesota Ore Operations - Minntac (Tailings Basin)
 Street address: 8819 Old Hwy 169
 City/Township: Mountain Iron State: MN Zip: 55768
 County: St. Louis County

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 58 & 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	Multiple	N/A	N/A
Latitude	Longitude	Datum	Coordinate collection method	Date coordinate collected
47.57	-92.64	NAD 83	GIS	10/27/11

9. Is the facility located on tribal land? ☐ Yes ☒ No If yes, also apply to U.S. Environmental Protection Agency (EPA), Region V, John Coletti (312-886-6106).
10. The 1993 Legislature revised the MPCA's responsibilities in Minn. Stat. § 115.03, subd. 1 (e)(10) "Requiring that applicants for wastewater discharge permits evaluate in their applications the potential reuses of the discharged wastewater;"
 As a result of this 1993 Law, the MPCA has been charged with requiring permit applicants to evaluate the reuse potential of their wastewater prior to discharge. Therefore, please provide an evaluation below of reuse potential of your wastewater prior to discharge. Some ideas include lawn watering, irrigation of parks or public property, use of cooling tower blowdown for thermal discharges, wetland reclamation, etc.
U. S. Steel Corporation, Minnesota Ore Operations - Minntac currently recycles approximately 44.3 million gallons per day of its process water between the tailings basin and the processing operations (NPDES Permit No. MN0057207). The east tailings basin seep pumpback project has increased the re-use of tailings basin waters at the plant. The future installation of the west tailings basin seep pumpback project will further increase the re-use of tailings basin waters to satisfy plant processing needs.
11. List all environmental permits the facility has received or applied for:
NPDES/SDS Permit for Mining Area #MN0052493
SDS Permit for Main Wastewater Plant #MNC050504
Industrial Solid Waste Landfill Permit #SW-240

Above ground storage tank Permit #5162
Above ground storage general permit
Air Permits (Part 70, Permit Series 13700005)

Surface Water Discharge (Sand and gravel facilities can skip to the application information section.)

12. Does the facility discharge to a surface water of the state? ☒ Yes ☐ No
If no, the surface water discharge section does not need to be completed.

13. Identify all surface water discharge stations.

Station ID: SD 001

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	18	NW	NW
Latitude	Longitude	Datum	Coordinate collection method	Date coordinate collected
47.598134	-92.682891	NAD 83	Arc GIS	10/27/11
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate collection method
5271684	523838	15N	NAD 83	Arc GIS
Receiving water:				Date coordinate collected
				10/27/11

Station ID: SD

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T N	R <input type="checkbox"/> E <input type="checkbox"/> W			
Latitude	Longitude	Datum	Coordinate collection method	Date coordinate collected
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate collection method
Receiving water:				Date coordinate collected

Groundwater Monitoring Wells

14. Are there groundwater monitoring wells at the facility? ☒ Yes ☐ No If no, the groundwater monitoring wells section does not need to be completed.

15. Identify all groundwater monitoring well station locations:

Station ID: GW GW003

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	15	NE	SE
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate collection method
5271648	529479	15N	NAD 83	Arc GIS
Date coordinate collected				10/27/11

Station ID: GW 004

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	4	SW	NW
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate collection method
5274447	526770	15N	NAD 83	Arc GIS
Date coordinate collected				10/27/11

Station ID: GW 006

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	7	NW	SE
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate collection method
Date coordinate collected				

5273267	523841	15N	NAD 83	Arc GIS	10/27/11
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Station Locations

16. Identify all other permitted station locations not identified above:

Station ID: SW001

Station type: ☐ Influent Waste Stream (WS) ☐ Internal Waste Stream (WS) ☒ Surface Water Monitoring (SW)
☐ Land Application (LA) ☐ Other (specify):

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 59 N	R 17 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	6	NW	NW
Latitude	Longitude	Datum	Coordinate collection method	Date coordinate collected
47.630459	-92.557021	NAD 83	Arc GIS	10/27/11
Surface water (surface water monitoring stations only):				

Station ID: WS006/WS007

Station type: ☐ Influent Waste Stream (WS) ☒ Internal Waste Stream (WS) ☐ Surface Water Monitoring (SW)
☐ Land Application (LA) ☐ Other (specify):

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 59 N	R <input type="checkbox"/> E <input checked="" type="checkbox"/> W	28	NE	SW
Latitude	Longitude	Datum	Coordinate collection method	Date coordinate collected
47.567833	-92.637904	NAD 83	Arc GIS	10/27/11
Surface water (surface water monitoring stations only):				

Station ID: WS002

Station type: ☐ Influent Waste Stream (WS) ☒ Internal Waste Stream (WS) ☐ Surface Water Monitoring (SW)
☐ Land Application (LA) ☐ Other (specify):

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	28	NE	SE
Latitude	Longitude	Datum	Coordinate collection method	Date coordinate collected
47.567318	-92.627923	NAD 83	Arc GIS	10/27/11
Surface water (surface water monitoring stations only):				

Submittals

- ☒ The applicable application and any applicable attachments required by the application.
- ☒ Map: attach a U.S. Geological Survey topographical map or similar that indicates the location of the existing or proposed facility, the location of the stations identified above, the receiving water (if applicable) and any additional information required by the applications applicable to your facility.
- ☒ Schematic: attach a schematic of the treatment facility that includes all facility components, indicating the direction of wastewater flow and the location of the stations identified above.
- ☒ (Industrial facilities only) Flow Diagram or Water Balance Diagram: attach a flow diagram on the process in its entirety from raw water to discharge.
- ☐ (Major Municipal facilities only) Facility Description: attach a facility description that describes the collection system and wastewater treatment facility.

Note: Please ensure this form and all applicable applications and attachments are complete. Incomplete applications will be returned. Review your existing NPDES/SDS Permit to ensure all required submittals have been completed. Failure to complete the application for reissuance or failure to complete requirements of the existing permit is considered a violation and may be subject to enforcement.

www.dnr.state.nj.us • 651-296-6300 • 800-657-3864 • TTY 651-282-5332 or 800-657-3864 • Available in alternative formats
NJ-WWPRM7-03 • 3/16/12

Application Fees

An application fee is required under Minn. Stat. § 116.07, subd. 4d (1990) and Minn. R. ch. 7002 (Permit Fee Rules). The application fee is determined by the type of permit you are applying for. Please make your check payable to the MPCA.

Indicate which type of permit you are applying for:

(refer to flow chart on page 8 of the instructions to determine the appropriate fee category)

- | | |
|--|---|
| <input type="checkbox"/> Individual Permit Reissuance, no modifications: \$1240 | <input type="checkbox"/> Individual Permit Issuance: \$9300 |
| <input type="checkbox"/> Individual Permit Reissuance, modifications: \$2480 | <input type="checkbox"/> Individual Pretreatment Permit Issuance: \$2480 |
| <input type="checkbox"/> Individual Permit Reissuance, construction: \$2480 | <input type="checkbox"/> Individual Dredge Materials Disposal Permit Issuance: \$2480 |
| <input type="checkbox"/> Individual Permit Reissuance, construction, increased design flow: \$9300 | <input type="checkbox"/> Individual Stormwater Permit Issuance: \$400 |
| <input type="checkbox"/> Individual Permit Minor Modification: \$1240 | <input type="checkbox"/> Biosolids Treatment or Storage Permit Issuance: \$9300 |
| <input type="checkbox"/> Individual Permit Major Modification: \$2480 | <input type="checkbox"/> General Permit (MNG) Reissuance: \$1240 |
| <input type="checkbox"/> Individual Permit Major Modification, construction: \$2480 | <input type="checkbox"/> General Permit (MNG) Issuance: \$1240 |
| <input type="checkbox"/> Individual Permit Major Modification, construction, increased design flow: \$9300 | <input type="checkbox"/> General Permit (MNG) Modification: \$1240 |

Certification

Federal Regulations (40 CFR Part 122.22) and State Regulations (Minn. R. 7001.0060) require all permit applications to be signed as follows:

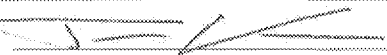
- A. For a corporation: by a responsible corporate officer. For the purpose of this permit, a responsible corporate officer means: 1) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or 2) The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having a gross annual sales or expenditures exceeding 425 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
- C. For a municipality, county or other political subdivision: by a principal executive officer or ranking elected official.
- D. For a state, federal or other public agency/agents: by a commissioner, assistant or deputy commissioner; director, assistant or deputy director.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Printed name: Travis Kolari

Acting General Manager MN Ore

Title: Operations

Authorized signature: 

Date: 12/21/16

State tax ID#: 5738839

Federal tax ID#: 25-1897152

Applications that are submitted without an authorized signature, the required application fee, and attachments will be returned. Please make a copy for your records. Send the completed permit application, attachments (including plans and specifications, if applicable), and check to:

Attn: Fiscal Services – 6th floor
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Instructions

Questions 1-7. Identify the appropriate person and address for each contact type. It is important this information is accurate; this information is utilized by MPCA staff to contact the facility. If one person is used as multiple contacts, enter the name only if the address is identical. Refer to the Certification for definition of an authorized agent.

Questions 1 and 2 - Identify the appropriate organization, address and agent for each contact type. If a facility is leasing a building or land, these questions pertain to the owner/operator of the activities covered by the permit, not the land or building owner. The operator runs the facility on a day-to-day basis. If a separate management organization operates the facility, its name goes there. Fill in the operator information if applicable; if not, fill in "N/A". If the facility has more than one owner and/or operator, for example a partnership, then also provide the additional owner/operator's information (attach additional sheets as necessary).

Question 8. For instructions on how to complete the table for the facility location, refer to the instructions for Question 13 below.

Question 11. Identify all environmental permits or construction approvals received or applied for under any of the following programs: Hazardous Waste Management under the Resource Conservation and Recovery Act (RCRA), Underground Injection Control Program under the Safe Water Drinking Act (SDWA), NPDES Program under the Clean Water Act (CWA), Prevention of Significant Deterioration (PSD) under the Clean Air Act (CAA), Nonattainment Program under the CAA, National Emission Standards for Hazardous Air Pollutants (NESHAPS) preconstruction approval under the CAA, ocean dumping permits under the Marine Protection Research and Sanctuaries Act, dredge or fill permit under section 404 or the CWA and other relevant environmental permits.

Question 13. Complete the table for each surface water discharge point. The location of a surface water discharge is defined as the location where a wastewater discharge enters a surface water (not where the pipe leaves the wastewater facility structure). If a pipe extends out into a river or lake, the location is identified where the pipe leaves the shore and enters the body of water. If the discharge is to a tile line or storm sewer the location is identified where the tile line or storm sewer enters a surface water. If the discharge is into an open ditch or ravine, the location is identified as the point where the discharge leaves the pipe and enters the open ditch. For new facilities, enter as much information as available and provide a name or description for the Station ID.

Example:

Station ID: SD 002 Main Facility Discharge

Station No.: SD 002 Main Facility Description:

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)	
T 109 N	R 28 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	5	NW	NW	
Latitude	Longitude	Datum	Coordinate collection method	Date coordinate collected	
44.279510	-94.228549	NAD83	DOQ (aerial photo)	4/27/2009	
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate collection method	Date coordinate collected
401978.10090	4903661.23061	15N	NAD83	DOQ (aerial photo)	4/27/2009
Receiving water:	Swan Lake				

UTM coordinates for surface water discharge stations are not required.

A datum for Latitude/Longitude and Universal Transverse Mercator (UTM) should be specified. For latitude/longitude coordinates, this will either be NAD83 or WGS84 (the default on most GPS units). For UTM, this will likely be NAD83 or NAD27. NAD83 is preferred.

For latitude/longitude and UTM indicate the method of collection and the date of collection. Methods of collection include:

- GPS – Survey Quality
- GPS – Recreational Receiver WAAS enabled (Real Time Differential Corrected)
- GPS – Recreational Receiver Uncorrected
- GPS – Unknown
- Digitized – Web Map Google / Yahoo / Microsoft
- Digitized – Digital Raster Graph (DRG) (USGS 7.5 min topographic map 1:24,000 scale)
- Digitized – Digital Ortho Quad (DOQ) (USGS aerial photo 1:24,000 scale)

Note: If more space is needed for additional stations, refer to the MPCA Web site at <http://www.pca.state.mn.us/water/permits/index.html> for an Additional Station Location Attachment.

Question 15. For instructions on how to complete the table for the Groundwater Monitoring Wells, refer to the instructions for Question 13. For Groundwater Monitoring Wells, UTM coordinates are required. If this is an existing facility, refer to the current NPDES/SDS Permit for Station ID and Station Type. For new facilities, enter as much information as available.

Question 16. For instructions on how to complete the table for all other permitted stations not identified in the Surface Water Discharge or Groundwater Monitoring Wells sections, refer to the instructions for Question 13. If this is an existing facility, refer to the current NPDES/SDS Permit for Station ID and Station Type. For new facilities, enter as much information as available.

Submittals

Map: The map information requested may require multiple maps of varying scales. The map identifying the location of surface discharges and surface water monitoring must be small enough to identify locations of outfalls, etc. but large enough to include identifiable features such as roads and waterways. Maps that require more detail, for example identifying the location of tanks or biosolids storage facilities, may require a smaller map scale. Read the applications applicable to your facility, many require additional information to be included on the map(s).

Flow diagram or water balance diagram: This diagram is a line drawing of the water flows through the facility, showing those operations contributing wastewater to the effluent and treatment units; similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the contributing process; and a description of the treatment the wastewater receives, including the storage and ultimate disposal of any solid or fluid wastes other than by discharge; the water balance must show approximate average flows at intake and discharge points and between units, including treatment units and evaporation/atmospheric drift releases), highlighting proposed changes from currently NPDES/SDS-authorized facility. On the flow diagram, indicate any addition points for chemical additives.

Application Fees

The application fee is determined by the application type. Refer to the flow chart on page 8 to determine the application type. For more information on the application fees, please refer to the Water Quality Fee Guidance located at <http://www.pca.state.mn.us/water/permits/index.html>.

Note: Minn. R. 7002.0253 requires additional points for designated permit activities (ex. flow increase, Environmental Assessment Worksheet (EAW), Nondegradation, etc.). If applicable, these additional points will be billed to the Permittee before the permit is final issued. Please refer to the Water Quality Fee Guidance located at <http://www.pca.state.mn.us/water/permits/index.html> or Minn. R. 7002.0253 for more information.

Definitions (for flow chart on page 8)

Individual Permit: For permit reissuances or modifications, the existing permit number begins with MN00. For permit issuances, all municipal permits are issued an individual permits. For industrial permit issuances, you may be eligible for a general permit. The general permit qualifications are indicated on the appropriate applications.

General Permit: For permit reissuance or modifications, the existing permit number begins with MNG, MNR, or MNP. For municipal permit issuances, facilities are not eligible for a general permit. For industrial permit issuances, general permit qualifications are indicated on the appropriate applications.

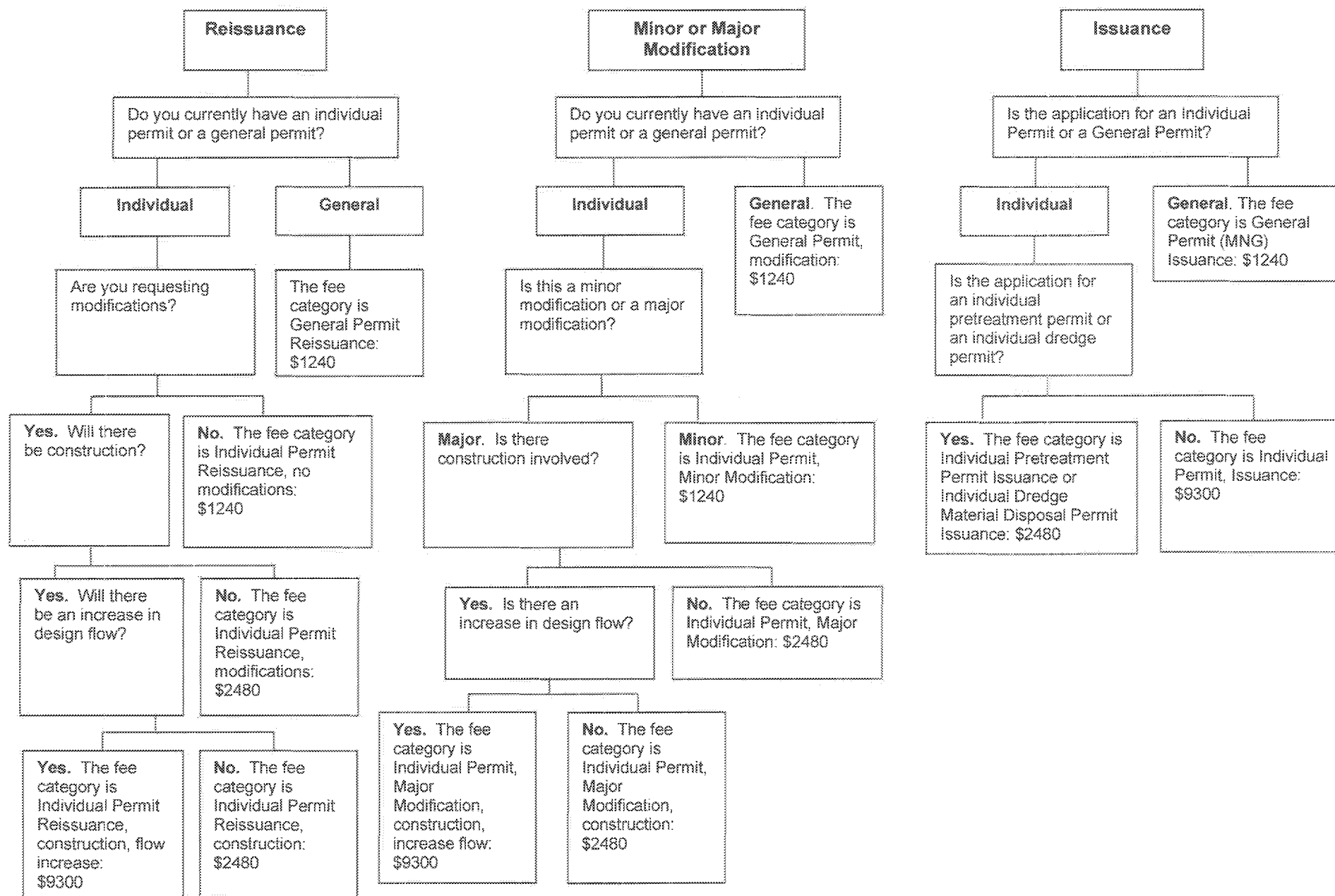
Modifications: In the application for reissuance, the Permittee is requesting changes to the existing permit; for example, addition of chemical treatment, addition of a storage facility, replacement of existing equipment, rehab of existing equipment, etc.

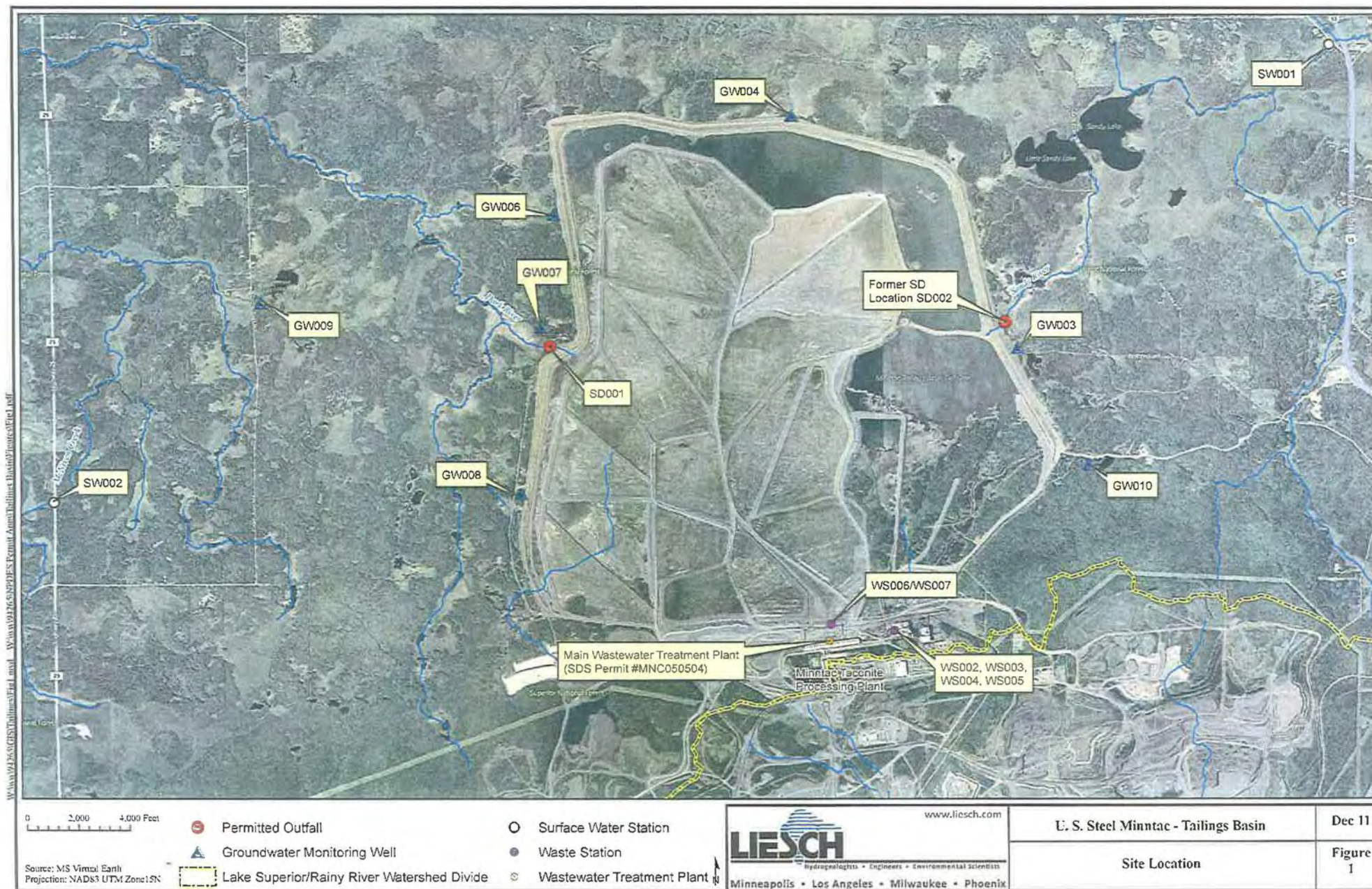
Construction: Permittee will be constructing new treatment components or upgrading or expanding the facility.

Minor Modification: The Permittee is requesting a modification to an existing permit mid permit cycle. A Permittee qualifies for a minor modification if the modifications are to correct errors, require more frequent monitoring, change in a voluntary construction schedule or removal of a monitoring station that has been terminated.

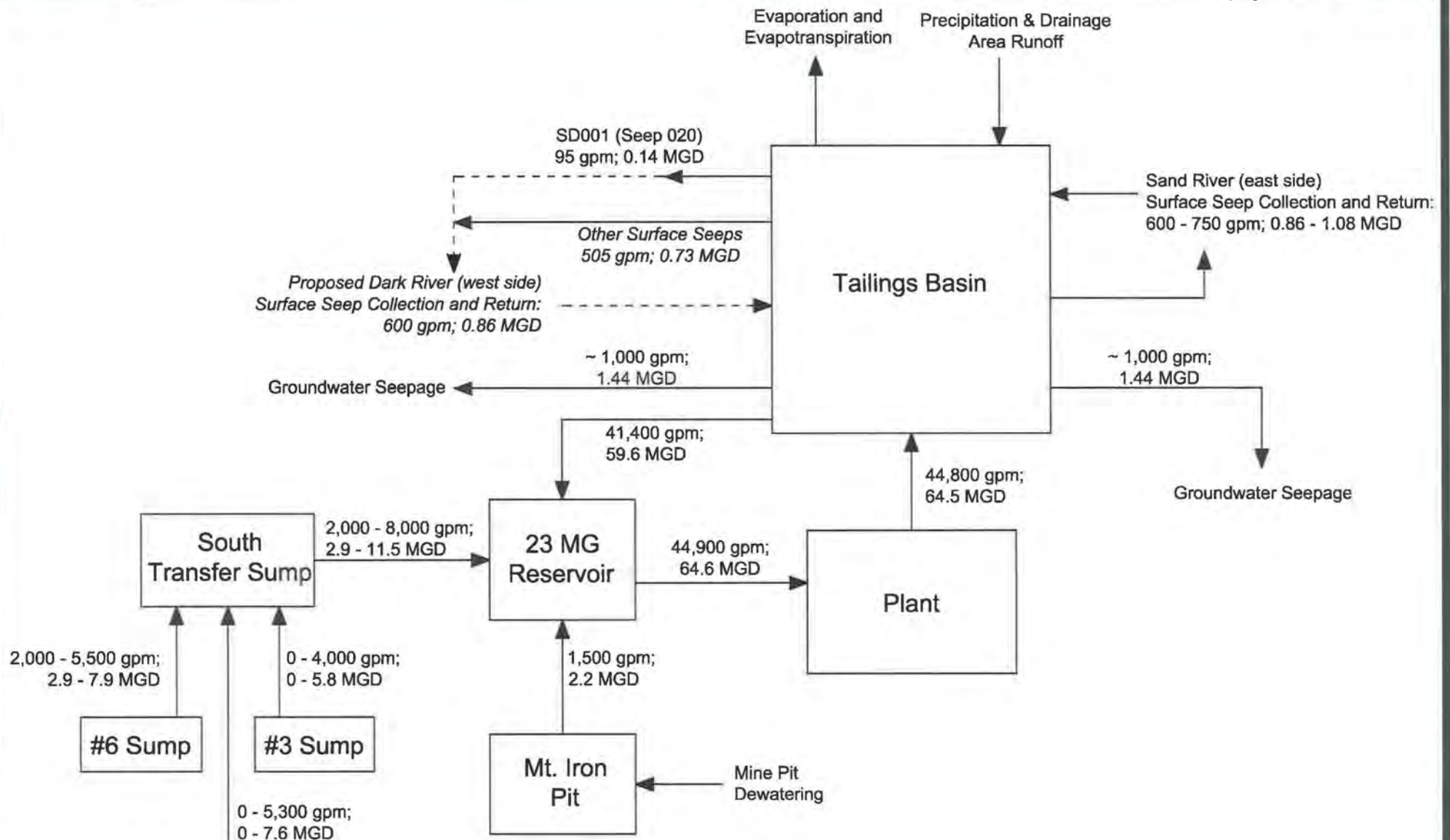
Major Modification: The Permittee is requesting a modification to an existing permit mid permit cycle. A Permittee qualifies for a major modification if there are substantial alterations or additions to the facility, change in a compliance schedule, etc.

Reissuance, Issuance, or Modification Flow Chart





MPCA0001377



W:\www\94265\GIS\Tailings\Fig3.mxd W:\www\94265\Figures\Tailings\Fig3.pdf



Source: MS Virtual Earth
Projection: NAD83 UTM Zone 15N

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Hydrogeologists • Engineers • Environmental Scientists
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U. S. Steel Minntac - Tailings Basin

USGS Topographic
Facility Overview

Dec 11

Figure
3



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

Additional Station Location Attachment

NPDES/SDS Permit Program

Doc Type: Permit Application

The National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit Program regulates wastewater discharges to land and surface waters. This is an attachment to the Transmittal Form for facilities with multiple permitted stations.

Complete the attachment by typing or printing in black ink. Attach additional sheets as necessary. For more information, please contact the Minnesota Pollution Control Agency (MPCA) at: In Metro Area: 651-296-6300 or Outside Metro Area: 800-657-3864.

Surface Water Stations

Station ID: SD

Township (26-71 or 101-168)		Range (1-51)		Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T N		R <input type="checkbox"/> E <input type="checkbox"/> W				
Latitude		Longitude		Datum	Coordinate Collection Method	Date Coordinate Collected
UTM Northing		UTM Easting	UTM Zone	UTM Datum	Coordinate Collection Method	Date Coordinate Collected
Receiving Water:						

Station ID: SD

Township (26-71 or 101-168)		Range (1-51)		Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T N		R <input type="checkbox"/> E <input type="checkbox"/> W				
Latitude		Longitude		Datum	Coordinate Collection Method	Date Coordinate Collected
UTM Northing		UTM Easting	UTM Zone	UTM Datum	Coordinate Collection Method	Date Coordinate Collected
Receiving Water:						

Station ID: SD

Township (26-71 or 101-168)		Range (1-51)		Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T N		R <input type="checkbox"/> E <input type="checkbox"/> W				
Latitude		Longitude		Datum	Coordinate Collection Method	Date Coordinate Collected
UTM Northing		UTM Easting	UTM Zone	UTM Datum	Coordinate Collection Method	Date Coordinate Collected
Receiving Water:						

Station ID: SD

Township (26-71 or 101-168)		Range (1-51)		Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T N		R <input type="checkbox"/> E <input type="checkbox"/> W				
Latitude		Longitude		Datum	Coordinate Collection Method	Date Coordinate Collected
UTM Northing		UTM Easting	UTM Zone	UTM Datum	Coordinate Collection Method	Date Coordinate Collected
Receiving Water:						

Groundwater Monitoring Wells

Station ID: GW 007

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)	
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	18	NW	NE	
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate Collection Method	Date Coordinate Collected
5271908	523730	15N	NAD 83	Arc GIS	10/27/11

Station ID: GW 008

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)	
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	19	NW	SW	
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate Collection Method	Date Coordinate Collected
5269905	523462	15N	NAD 83	Arc GIS	10/27/11

Station ID: GW 009

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)	
T 59 N	R 19 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	11	SW	SW	
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate Collection Method	Date Coordinate Collected
5272230	520315	15N	NAD 83	Arc GIS	10/27/11

Station ID: GW 010

Township (29-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)	
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	23	NW	SE	
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate Collection Method	Date Coordinate Collected
5270263	530355	15N	NAD 83	Arc GIS	10/27/11

Station ID: GW 012

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)	
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	10	NW	NE	
UTM Northing	UTM Easting	UTM Zone	UTM Datum	Coordinate Collection Method	Date Coordinate Collected

Station ID: GW 013

Township (26-71 or 101-168)		Range (1-51)		Section (1-36)		% Section (NW, NE, SW, SE)		% of % Section (NW, NE, SW, SE)			
T 59 N		R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W		4		SE		NW			
UTM Northing		UTM Easting		UTM Zone		UTM Datum		Coordinate Collection Method		Date Coordinate Collected	

Station ID: GW 014

Township (26-71 or 101-168)		Range (1-51)		Section (1-36)		¼ Section (NW, NE, SW, SE)		¼ of ¼ Section (NW, NE, SW, SE)			
T 59 N		R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W		5		SE		NW			
UTM Northing		UTM Easting		UTM Zone		UTM Datum		Coordinate Collection Method		Date Coordinate Collected	

Other Stations

Station ID: WS003

Station Type: ☐ Influent Waste Stream (WS) ☒ Internal Waste Stream (WS) ☐ Surface Water Monitoring (SW)
☐ Land Application (LA) ☐ Other (specify):

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	28	NE	SE
Latitude	Longitude	Datum	Coordinate Collection Method	Date Coordinate Collected
47.567318	-92.627923	NAD 83	Arc GIS	10/27/11

Surface water (surface water monitoring stations only):

Station ID: WS004

Station Type: ☐ Influent Waste Stream (WS) ☒ Internal Waste Stream (WS) ☐ Surface Water Monitoring (SW)
☐ Land Application (LA) ☐ Other (specify):

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	28	NE	SE
Latitude	Longitude	Datum	Coordinate Collection Method	Date Coordinate Collected
47.567318	-92.627923	NAD 83	Arc GIS	10/27/11

Surface water (surface water monitoring stations only):

Station ID: WS005

Station Type: ☐ Influent Waste Stream (WS) ☒ Internal Waste Stream (WS) ☐ Surface Water Monitoring (SW)
☐ Land Application (LA) ☐ Other (specify):

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T 59 N	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W	28	NE	SE
Latitude	Longitude	Datum	Coordinate Collection Method	Date Coordinate Collected
47.567318	-92.627923	NAD 83	Arc GIS	10/27/11

Surface water (surface water monitoring stations only):

Station ID:

Station Type: ☐ Influent Waste Stream (WS) ☐ Internal Waste Stream (WS) ☐ Surface Water Monitoring (SW)
☐ Land Application (LA) ☐ Other (specify):

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T N	R <input type="checkbox"/> E <input type="checkbox"/> W			
Latitude	Longitude	Datum	Coordinate Collection Method	Date Coordinate Collected

Surface water (surface water monitoring stations only):

Station ID:

Station Type: ☐ Influent Waste Stream (WS) ☐ Internal Waste Stream (WS) ☐ Surface Water Monitoring (SW)
☐ Land Application (LA) ☐ Other (specify):

Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T N	R <input type="checkbox"/> E <input type="checkbox"/> W			
Latitude	Longitude	Datum	Coordinate Collection Method	Date Coordinate Collected

Surface water (surface water monitoring stations only):

Review the application and ensure all requested items are submitted with this attachment.

Please make a copy for your records.

Refer to the *Transmittal Form* for mailing instructions.

**Application for a Variance from Water Quality Standards for
Groundwater
DRAFT NPDES/SDS Permit No. MN0057207
Prepared for U. S. Steel Minntac**



December 2016

Application for a Variance from Water Quality Standards for Groundwater

DRAFT NPDES/SDS Permit No. MN0057207

Prepared for
U. S. Steel Minntac



December 2016

4300 MarketPointe Drive, Suite 200
Minneapolis, MN 55435
952.832.2600
www.bom.com

Application for a Variance from Water Quality Standards for Groundwater

December 2016

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Appendix B	Economic Information

Acronyms

Acronym	Description
CBI	Confidential Business Information
CWA	Clean Water Act
EPA	U.S. Environmental Protection Agency
GW	Ground Water
MCLs	Maximum Contaminant Levels
MNDNR	Minnesota Department of Natural Resources
MPCA	Minnesota Pollution Control Agency
NPDES	National Pollutant Discharge Elimination System
PRB	Permeable Reactive Barrier
SCRS	Seepage Collection & Return System
SD	Surface Discharge
SDS	State Disposal System
SOC	Schedule of Compliance
SSS	Site Specific Standard
TDS	Total Dissolved Solids
UAA	Use Attainability Analysis
USACE	United States Army Corps of Engineers
U. S. Steel	United States Steel Corporation
ZVI	Zero Valent Iron

Executive Summary

A variance is sought for ground water (GW) monitoring locations, including: GW012, GW013 and GW014. The proposed variance will result in changes to compliance limits proposed in the draft National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit MN0057207. Monitoring locations GW012, GW013 and GW014 are associated with groundwater deep seepage from the Minntac tailings basin to the property boundary. The table below provides an overview of the variance requests, while Figure 1 provides an overview of the locations of ground water monitoring stations included in this variance application.

Parameter	Applicable Water Quality Standard	Draft NPDES/SDS Permit Limit		Location
		Interim Limit ⁽¹⁾	Final Limit ⁽²⁾	
Sulfate	250 mg/L	Monitor Only	250 mg/L	GW012, GW013
		250 mg/L	250 mg/L	GW014
Solids, Total Dissolved (TDS)	500 mg/L	Monitor Only	500 mg/L	GW012, GW013
		500 mg/L	500 mg/L	GW014

Note(s):

- (1) Per draft NPDES/SDS Permit MN0057207: does not specify when the interim limit takes effect.
- (2) Per draft NPDES/SDS Permit MN0057207: "Final limit takes effect five years after permit issuance."

U. S. Steel is seeking a variance for 20 years. The basis for these requested variances are:

- Attainment of groundwater quality standards is economically infeasible (Minnesota Rules, part 7000.7000, subpart 2, item E) as outlined in Section 2.4.
- Strict conformity with the standards would be unreasonable, impractical, or not feasible under the circumstances (Minnesota Rules, part 7060.0900) as outlined in Sections 3.1, 3.2, and 3.3.
- Compliance with permit limits is not necessary to meet the intent of the law (Minnesota Rules, part 7060.0900) as outlined in Section 3.4.

Detailed information on these requested variances is contained in the sections which follow.

The basis for this *Application for a Variance from Water Quality Standards for Groundwater* is based on DRAFT NPDES/SDS Permit MN0057207, placed on public notice November 15, 2016, and the supporting Fact Sheet. The limits and requirements in the DRAFT permit are subject to change, in response to comments received during the public notice period. U. S. Steel reserves the right modify this *Application for a Variance from Water Quality Standards for Groundwater* pending issuance of the final permit.

1.0 Background

This report is United States Steel Corporation's (U. S. Steel) written application for a variance in accordance with Minnesota Rules, parts 7000.7000 and 7060.0900. U. S. Steel is requesting that the Minnesota Pollution Control Agency (MPCA) grant variances from specific standards applicable to groundwater near the U. S. Steel Minntac tailings basin and associated with interim and final permit limits for ground water stations included in the draft NPDES/SDS Permit MN0057207 issued to the U. S. Steel Minntac Facility and published by the MPCA on November 15, 2016. Table 1-1 summarizes the water quality standards and the draft permit limits from which variances are proposed within this application. The associated MPCA Variance Request Form is attached as Appendix A.

Table 1-1 Variance Requests Included in this Application for Ground Water Stations

Parameter	Applicable Water Quality Standard	Draft NPDES/SDS Permit Limit		Location
		Interim Limit ⁽¹⁾	Final Limit ⁽²⁾	
Sulfate	250 mg/L	Monitor Only	250 mg/L	GW012, GW013
		250 mg/L	250 mg/L	GW014
Solids, Total Dissolved (TDS)	500 mg/L	Monitor Only	500 mg/L	GW012, GW013
		500 mg/L	500 mg/L	GW014

Note(s):

- (1) Per draft NPDES/SDS Permit MN0057207; does not specify when the interim limit takes effect.
- (2) Per draft NPDES/SDS Permit MN0057207: "Final limit takes effect five years after permit issuance."

U. S. Steel is requesting that the MPCA grant a variance from the groundwater standards for sulfate and total dissolved solids (TDS) at ground water stations GW012, GW013 and GW014. The groundwater standards included in this variance are at levels that do not present a risk to human health; they are based on the secondary Maximum Contaminant Levels (MCLs) values developed by the U.S. Environmental Protection Agency (EPA) as non-mandatory guidelines to assist public water systems in managing their drinking water for aesthetic considerations such as taste and odor.

U. S. Steel was first issued a NPDES/SDS permit to govern discharges from the Minntac tailings basin in 1987. The facility has continued to operate under that permit since the first issuance. Unlike the original permit, the draft permit currently on public notice contains limits for sulfate and TDS applied to groundwater at the property boundary. These limits are applicable to the SDS portion of the permit and do not fall under Clean Water Act (CWA) jurisdiction.

The Minntac tailings basin location is shown on Figure 1. The basin includes a perimeter dike that extends along the northern, western and eastern sides of the basin over a length of 9.1 miles. The southern perimeter of the basin is situated against an existing bedrock high. The basin, which receives tailings from the Minntac taconite mining and processing facility, has a footprint of approximately 8,700 acres. The basin straddles a north-south trending watershed divide: the western portion of the basin is associated with the Dark River watershed, the eastern portion of the basin is associated with the Sand River

watershed. In between these two watersheds is the Johnson Creek watershed that does not appear to receive any seepage from the basin (Reference (1)).

Water from the tailings basin leaves the basin through Outfall SD001, as surface seepage, or as deep groundwater seepage. SD001 which is located on the west side of the basin at the toe is the only monitored SD outfall subject to compliance with NPDES guidelines and is the outfall associated with several dam seeps that exist on the west and northwest perimeter of the basin. Some of the tailings basin water enters the surficial aquifer beneath the basin and flows as groundwater from the basin to the west and east. This deep seepage has resulted in elevated solutes in groundwater and the downstream surface waters, the Dark River and the Sand River.

U. S. Steel and the MPCA have entered into schedule of compliance (SOC) agreements, in part to reduce water quality constituent discharges and resolve various outstanding water quality non-compliance issues. Through the SOC process, U. S. Steel has worked closely with the MPCA to reduce the concentrations of solutes in groundwater and ultimately in surface waters that are influenced by impacted groundwater. The following activities have been undertaken by U. S. Steel to date:

- Sand River Seep Collection and Return (SCRS)
 - The surface seepage and shallow subsurface seepage from the tailings basin to the Sand River (and Twin Lakes) is collected and returned to the basin. The system was installed in 2010 and reductions have been observed in sulfate concentrations as well as other parameters of concern in Little Sandy Lake and Sandy Lake.
 - This was an innovative project, the first of its kind at a Minnesota taconite facility.
- #6 Sump Project
 - The project was commissioned in January 2015 and provides better quality make up water to the processing plants, which ultimately reports to the tailings basin, than the source historically used by Minntac.
 - The project has completely offset and eliminated the historical NPDES exceedances (sulfate and hardness) from Line 3 scrubber system.
 - This was an innovative project that U. S. Steel pursued after exhausting resources trying to get the Line 3 scrubber to meet the vendor operational guarantee, which it was never technically able to do.
 - This project shows U. S. Steel's commitment to resolving compliance issues, but also highlights that even a vendor guarantee doesn't actually guarantee equipment will work.
- Permeable Reactive Barrier (PRB) investigation and pilot trial to address sulfate in groundwater

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By: OAH on 12/31/19 2:34 p.m.



John P. Lenczewski, Executive Director
Minnesota Trout Unlimited
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December 31, 2019

Ann C. O'Reilly
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

Via electronic mail

Re: Proposed Amendments to Rules Governing Water Quality
Standards—Class 2 and Class 7 Use Designations,
Minnesota Rules Chapter 7050
Revisor's ID Number R-4561

Dear Judge O'Reilly:

Minnesota Trout Unlimited provided oral testimony at the hearing held on December 11, 2019 and offered one exhibit for the record. We now offer the following additional written comments and testimony on the proposed amendments to Minnesota Rules Chapter 7050 referenced above.

Minnesota Trout Unlimited ("MNTU") is a non-profit organization made up of several thousand members organized into six chapters across the state. We work to protect, restore, reconnect and sustain Minnesota coldwater fisheries and their watersheds. We believe that the protection of our waters and watersheds which support, or recently supported, trout fisheries should be based upon sound science. Our members regularly recreate on trout streams across the state, and many explore less well known and "marginal" trout streams, including those now proposed to have their protections lessened via use designations changes.

First, we applaud and support the efforts of the Minnesota Pollution Control Agency ("MPCA") to change the use designation of 34 stream segments to Class 2A (Class 2Ag and Class 2Ae), thereby increasing protections for these coldwater systems.

However, the MPCA also proposes to reclassify many stream segments and their tributaries from 2A (Class 2A and Class 2Ag) to 2B (2Bd, 2Bdg, 2Be or 2Bm). Yet the MPCA has failed to demonstrate that at all times since November 28, 1975 there never has been an existing coldwater (2A) use in these 31 stream segments and tributaries which it proposes to reclassify from 2A to 2B (2Bd, 2Bdg, 2Be or 2Bm).

I. Proposed changes to Minnesota Rules 7050.0420 are not needed.

The MPCA has failed to demonstrate that the drastic re-write of Minnesota Rules 7050.0420 is needed at all. The agency claims these changes are needed in order for it to add more protective Class 2A designations (Class 2Ag and Class 2Ae) to stream segments and lakes that are not currently on the lists of “designated trout lakes” and “designated trout streams” maintained by the Minnesota Department of Natural Resources (“DNR”). We disagree. The agency has existing authority to add more stream segments and it does not need to re-write Rule 7050.0420 to do so. In fact, the agency previously used this authority to add additional lakes other than “designated trout lakes”, including inland lake trout lakes, to the list of 7050.0420 trout waters.

Although the MPCA has not demonstrated a need to re-write of Minnesota Rules 7050.0420, if we assume some clarification is warranted, the language chosen by the agency is overly broad and confusing. The proposed language changes may unwittingly create a new definition of trout waters, inserting the words “habitat” and “healthy” in such a way that it may have unintended adverse consequences in the future.

In its written comments dated November 7, 2019, WaterLegacy proposed specific revisions to the MPCA’s proposed rule 7050.0420. The language changes proposed by WaterLegacy are narrower and less likely to create loopholes which could be utilized by polluters to push through unjustified beneficial use designation “downgrades” from Class 2Ag and 2Ae to Class 2B (2Bg, 2Bdg, 2Be or 2Bm). If the court determines that some changes to Rule 7050.0420 are necessary to enable the MPCA to more easily add coldwater protections, we endorse and urge the adoption of the wording proposed by WaterLegacy.

II. MPCA has failed to demonstrate the absence of “existing” uses on 31 streams

For 43 years the State has declared that the 31 stream segments it now proposes to reclassify from 2A to 2B (2Bg, 2Bdg, 2Be or 2Bm), as well as the numerous tributaries entering these stream segments, are coldwater systems supporting coldwater fisheries and recreational use of those fisheries. Apparently, the MPCA is now claiming that it never bothered to document that the actual uses (“existing uses”) matched the designated uses. It claims that some of these past use designations must not have been accurate then, since the stream segments do not appear to support a naturally reproducing trout population today. It seems to be confusing “existing uses” with current uses.

However, the MPCA does acknowledged that it must in each instance affirmatively demonstrate not merely that there are no trout present today, but that there is solid evidence showing that no naturally reproduced trout ever utilized these streams during the past 43 years. The information presented by the MPCA as part of this rulemaking fails to demonstrate the absence of “existing uses” of coldwater fisheries and associated recreation. Given the lack of an affirmative showing that in November 1975 *and at all times since then* no naturally reproduced trout ever utilized these streams, these proposed changes are arbitrary and must not be adopted.

While the MPCA acknowledges that it must demonstrate that each stream segment is not an “existing use” (i.e., that it never supported a coldwater fishery on November 28, 1975 *nor at any time since*), the

one paragraph summaries contained in the technical support document entitled “Amendments to Aquatic Life (Class 2) Use Designations” fail to clear this hurdle. The public stakeholders who recreate on these coldwater streams are essentially asked to trust the agency’s assessment, even when the expert fish biologists in the DNR disagree. We are given very brief summaries (conclusions), but few select facts. These short blurbs on their own do not demonstrate that coldwater fisheries never existed at any time over the past 43 years in these locations. In fact, in those few instances where we have additional information there is clear evidence to the contrary.

A. Corey Brook example illustrates the inadequacy of MPCA’s one paragraph summaries.

The agency proposed to reclassify 31 stream segments from 2A to 2B (2Bg, 2Bdg, 2Be or 2Bm), as well as numerous tributaries which flow into them. The only supporting information offered by the agency are a series of one paragraph summaries. We can tell very little from them and digging for more complete information in agency files is time consuming. However, we happened to have information obtained from the MPCA in late 2014 for a few streams, including for Corey Brook in Cass County.

The MPCA completed its Use Review of Corey Brook (Cass County) in 2014. No stakeholders participated in that review, but at our request the MPCA shared its 15 page summary report with us. The report demonstrates that from 1975 through at least 1987 naturally reproduced trout were living not only in section 9, but downstream through sections 16 and 21. While the stream was not sampled downstream where it flows through sections 22 and 27, it is reasonable to assume some trout utilized this stretch of stream as well. In any case, there is no evidence to contrary. Absent evidence that no trout every utilized these downstream areas, the MPCA cannot demonstrate its current use designation was incorrect. Despite clear documentation in its files of an existing use, the MPCA proposes to remove the 2A beneficial use designation from the portions of Corey Brook in sections 16, 21, 22 and 27!

The MPCA also proposes to remove the 2A beneficial use designation from an unnamed tributary of Corey Creek located in sections 15, 16 and 21. It must be noted that the DNR separately designated this tributary as a “designated trout stream” (DTS). This is not a case where just that portion of this tributary within the same section as Corey Brook was designated. The MPCA has offered no information at all about this stream. Between 2014 and 2017 the DNR reviewed all DTS designations statewide for the purpose of identifying sections not important as trout habitat which should be removed from the designated trout stream list. The DNR determined that all of Corey Brook and all of this unnamed tributary should remain designated trout streams. The MPCA’s proposed action not only is unsupported and arbitrary, it goes against the assessment of the expert fish biologists in the DNR. We believe that the MPCA’s decision making in this case and in numerous others in this rulemaking is due to fundamental errors in the agency’s approach to protecting fisheries and in artificially breaking up interconnected stream systems into too many pieces.

B. Protecting coldwater fisheries requires protecting all portions of stream system utilized throughout their life cycle

It is important to keep in mind that the beneficial use which the 2A classification is intended to protect is a mobile fish population which must move and utilize a variety of habitats seasonally. While the agency

may carve up stream systems into small pieces for administrative ease, fish very often do not respect these artificial divisions. Coldwater fisheries depend upon seasonal movement of trout throughout the interconnected habitat in a given watershed. A wild trout population must often move considerable distances in summer to reach thermal refuges. Sometimes a relatively small area with spring flow can seasonally draw trout from long distances for a week, a month, or more when water temperatures elsewhere in the system would prove lethal. Afterwards trout disperse throughout the system for active feeding, reproduction, etc.

Other areas in the watershed, including small tributaries, may provide suitable spawning conditions which adult trout migrate to in cool October or November conditions. Small “young-of-year” trout quickly disperse in spring to populate available habitat throughout a system, even into reaches where the spawning habitat is limited and may at first blush appear “marginal” as year-round habitat. Young fish will move into tributaries and upstream reaches proposed to be classified as 2B for feeding and growth until warm water drives them to move for a time to cooler reaches. Adult trout often migrate downstream each winter into segments currently designated or proposed to be re-designated as 2B waters. Here they feed on the minnow species which are more tolerant of warmer summer water temperatures. They will move back to cooler reaches in the heat of summer, but the ability to feed and grow in these downstream reaches for half the year is vital to ensuring the largest, most robust population. The larger the trout population and larger the area of connected habitat it can utilize, the more likely it will be to survive and thrive over the years. In short, the segments of a stream system that are located upstream and immediately downstream of a core population area (2A reach) are often vital to long term persistence of the trout fishery in that core 2A reach.

It must be remembered that the Clean Water Act is intended to protect fisheries that must move and seasonally utilize different portions of interconnected riverine systems. The entire point of the aquatic life use designations under the Clean Water Act and Minnesota law is to protect and maintain fisheries. This cannot be done consistently unless all stream reaches which the overall fish population utilizes are protected.

C. The agency’s process of breaking up streams into small segments is arbitrary and not reasonable when used as justification to give lesser protection to some stream segments vital to various life stages of mobile fish populations.

Many coldwater aquatic systems are broken up into numerous segments. This may be necessary or acceptable for managing surveys. But it is not reasonable to use these somewhat arbitrary divisions as the basis for lowering the use designations from 2A coldwater and in effect reducing protections for some stream reaches (and tributaries) utilized by trout populations for an important part of their life cycle. For the reasons noted in the preceding section of these comments, protecting a fishery-related beneficial use requires protecting all portions of a watershed utilized by the fish population, even if only seasonally. This is especially true in systems where trout movements may have been interrupted for a period of years after 1975. If there was a break in habitat and/or population connectivity due to a perched culvert, physical and/or thermal barriers caused by the activities of an artificially large beaver population (caused by human alteration of forest composition), or other event, it would not take long to

decimate a brook trout fishery. Since brook trout rarely live past 3 years of age, preventing successful reproduction for 3 or 4 consecutive years would be enough to wipe out the fishery. The importance of habitat connectivity and disruptions to it cannot be overstated.

Interestingly, the MPCA usually recognizes the importance of connectivity of aquatic habitat to the health and long-term resilience of trout and other aquatic life. “Connectivity” has very appropriately become a key buzzword for MPCA stressor assessments and action planning. However, that recognition inexplicably vanishes when the agency starts chopping up a connected aquatic system - a connected, mobile fishery - into artificial segments which it now proposes to treat differently. It is not reasonable for the agency to ignore fish biology when goes about protecting a fishery. The Clean Water Act and MN law require the MPCA to protect a fishery (and recreational use of a fishery) not just an arbitrary portion of the habitat utilized by that fishery. Until every portion of the aquatic habitat utilized by a trout population is protected by the same use designation, efforts to preserve them for present and future generations will prove inadequate.

D. Process for changing aquatic life use designations lacks transparency and stakeholder input.

The Guidance Manual for Assessing the Quality of Minnesota Surface Waters for Determination of Impairment: 305(b) Report and 303(d) fails to clearly explain that in addition to use-support determinations, the opaque agency process can also involve aquatic life use designation changes. Our specific concern is that changes from 2A to 2B continue to be made without any, or any meaningful, input by affected stakeholders such as trout anglers. The Watershed Assessment Team (WAT) includes no stakeholders. There is no guarantee that the Professional Judgment Group (PJG) will include an adequate representation of stakeholders, despite the fact that the PJG makes final use-support determinations and in the process often proposes use designation changes. It is possible for an individual MPCA regional watershed project manager to invite one or more stakeholders, such as users of coldwater fisheries, but this is not required or guaranteed.

It is particularly concerning that the professional judgment of DNR’s expert fisheries biologist is often ignored and overruled. The DNR disagrees with the MPCA proposal to remove Class 2A use designation and protections from Corey Brook. Yet somehow this proposed change by MPCA has been pushed forward despite DNR’s opposition and clear evidence of an “existing use”. Had we not happened to have some additional information for this particular stream we would not be aware of this clear error.

This de facto exclusion of the public until the final step of formal rulemaking is significant since the full suite of information available to the WAT and PJG is not made available during subsequent rulemaking on the use designation changes. Instead the public sees just one-page summaries which contain more conclusions than facts. There typically is not adequate time during the rulemaking process to decipher things, obtain complete files from the MPCA and DNR, and scrutinize them. Once a decision is made by the PJG, the natural tendency moving forward is for the agency to dig in and defend the decision, despite doubts. The broad deference given the agency in rulemaking makes it very unlikely that an ALJ will overturn a PJG decision which overlooked some key information. Since the MPCA is under no

obligation to volunteer information which undermines its conclusion, is unlikely the ALJ will even be aware of this contrary evidence. Trout anglers and other stakeholders are similarly handicapped.

Participation in the formal rulemaking process used to defend agency decisions to downgrade a stream's use designation from 2A to 2B is not equivalent to meaningful participation by stakeholders in the PJG decision-making process. Local government units are not equivalent to fisheries resource users. The DNR likewise is not equivalent to fisheries resources users. While the DNR does a good job of looking out for anglers' interests, strained resource budgets can prevent them from adequately representing coldwater anglers in all cases. Our past requests that the agency change the process outlined in the Guidance document to include resources users in the PJG whenever the downgrading of use designations from 2A to 2B is contemplated has been ignored.

At a minimum, all information available to the WAT and PJG should be made available to the public when rule amendments are proposed. With regard to the 31 stream segments and their numerous tributaries which are currently designated as coldwater (2A) uses but proposed by MPCA to be reclassified to 2B (2Bd, 2Bdg, 2Be or 2Bm), all information available to the WAT and PJG should have been made available on-line through the MPCA website. Until this happens the public will remain unable to ascertain whether or not the proposed downgrades are reasonable and supported by adequate evidence demonstrating that these streams never supported a coldwater fishery on November 28, 1975 nor at any time since.

E. MPCA dismissal of expert judgment of DNR fish biologists is not reasonable

The MPCA proposes to downgrade protections for numerous miles of trout habitat which DNR fisheries experts have determined are important for maintaining important coldwater fisheries. For 43 years the State has declared these stream segments to be coldwater systems supporting coldwater fisheries and recreational use. The assessment of DNR fisheries biologists is that these segments still are important parts of coldwater fisheries. The MPCA has suggested that its purpose in designating coldwater fisheries uses is different from the DNR's purpose and therefore the DNR's professional judgment can be ignored by the MPCA. We disagree. Both the MPCA and DNR are charged with protecting coldwater fisheries and associated recreation. They may do so through different means, but the resource being protected is the same.

The entire point of the aquatic life use designations under the Clean Water Act and Minnesota law is to protect and maintain fisheries. This cannot be accomplished unless all the life cycle needs of these mobile populations are protected, including every stream reach and tributary the fish population utilizes throughout the seasons. DNR fish biologists apparently have a much clearer understanding of this than do MPCA staff and their expert judgment should be deferred to by MPCA staff.

Between 2014 and 2017 the DNR conducted a statewide review of all designated trout streams for the purpose of identifying any sections not important as trout habitat which should be removed from the designated trout stream list. Most of stream segments which MPCA proposes to downgrade from 2A to 2B were NOT identified as no longer being coldwater fisheries. The DNR disagrees with the MPCA proposal to reclassify (downgrade) portions of the Knife River, Blackhoof River, Nemadji River, Stoney

Brook, Cory (Corey) Brook, Willow Creek [record of wild trout present], Johnson Creek, Browns Creek, Whitewater River, and others. We object to MPCA's proposal to remove a 2A designation from any stream segment or tributary thereof which the DNR has determined are essential for maintaining or restoring coldwater fisheries and kept on its list of designated trout streams. The MPCA has failed to affirmatively demonstrate why the professional judgment of DNR biologists should be overturned and why the MPCA sudden reversal of its earlier, presumably well-grounded, coldwater designations should be deemed anything other than arbitrary and unreasonable.

For the reasons noted above, Minnesota Trout Unlimited requests that those portions of MPCA's proposed rule changes which would (1) re-write Minnesota Rules 7050.0420 and (2) reclassify 34 stream segments and their tributaries from current Class 2A or Class 2Ag to 2B (2Bd, 2Bdg, 2Be or 2Bm) be rejected.

Respectfully submitted,

A handwritten signature in cursive script, reading "John P. Lenczewski". The signature is written in dark ink and is positioned above the printed name and title.

John P. Lenczewski
Executive Director

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By: OAH on 12/31/19 4:20 p.m.

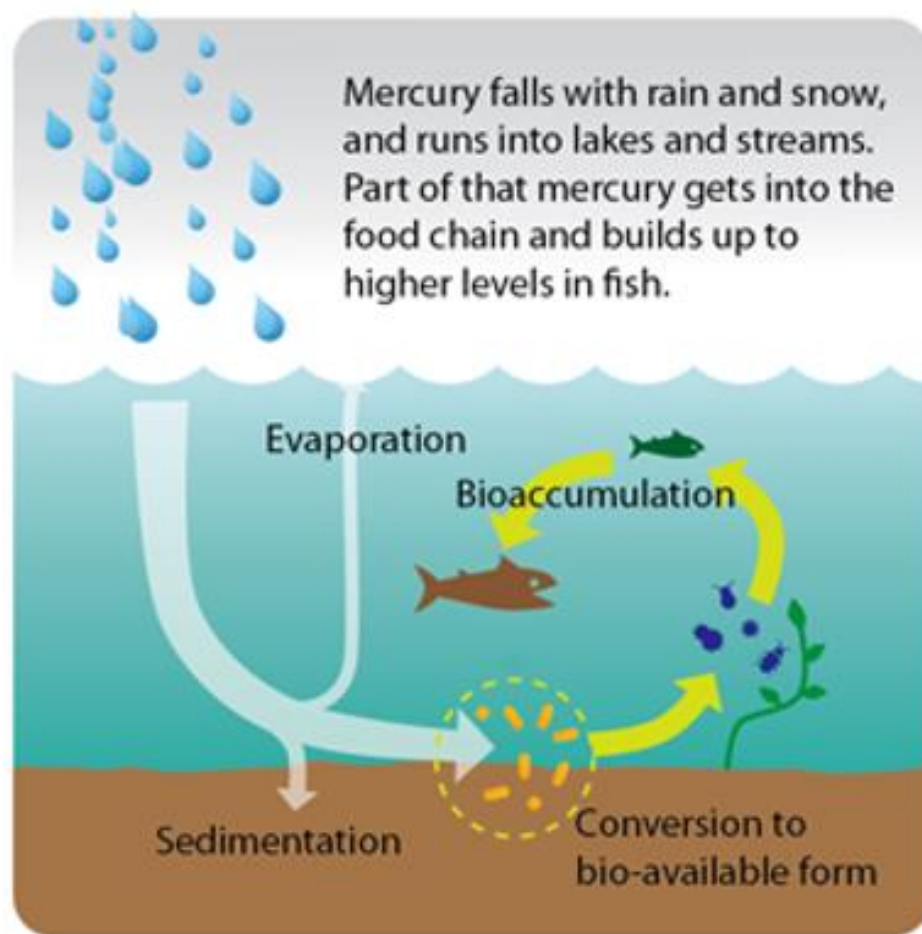
My name is Eric Morrison and my address is 1202 Cherokee Avenue in West St. Paul. I'm a lifelong Minnesota resident and chemist with a bachelor's from the U of M and PhD from Penn State. I have 35 years work experience with Minnesota companies including 3M and Ecolab. I volunteer with Minnesota's Northern Lakes Scientific Advisory Panel where I'm on the steering committee. These comments and diagrams explain why MPCA actions related to mining require oversight in the form of contested case hearings.

The MPCA is not acting in the best interests of Minnesota residents when it has proposed to change water use designations for Minnesota lakes, rivers and streams. It is changing designations for the benefit of polluters. The MPCA staff is attempting to suppress outside oversight. Oversight is required in the form of contested case hearings. In the case of de-listing trout waters, the decisions of MPCA's staff entomologist require contestation.

In addition, the MPCA de-listing of use designations is a violation of the Federal Clean Water Act.

An example of the problem of allowing the MPCA to operate without oversight from contested case hearings is their dealings with PolyMet. The MPCA gave PolyMet a uncontested permit that endangers the health of Minnesotans. The MPCA issued a water discharge permit for PolyMet that does not limit sulfate and mercury. Failure to limit sulfate and mercury for such behemoth sulfide mine, processing plant and tailings basin is malfeasance and a severe breach of public trust. Because sulfate and mercury pollution cause brain injury, when the MPCA operates in an extralegal fashion they are hurting Minnesota children.

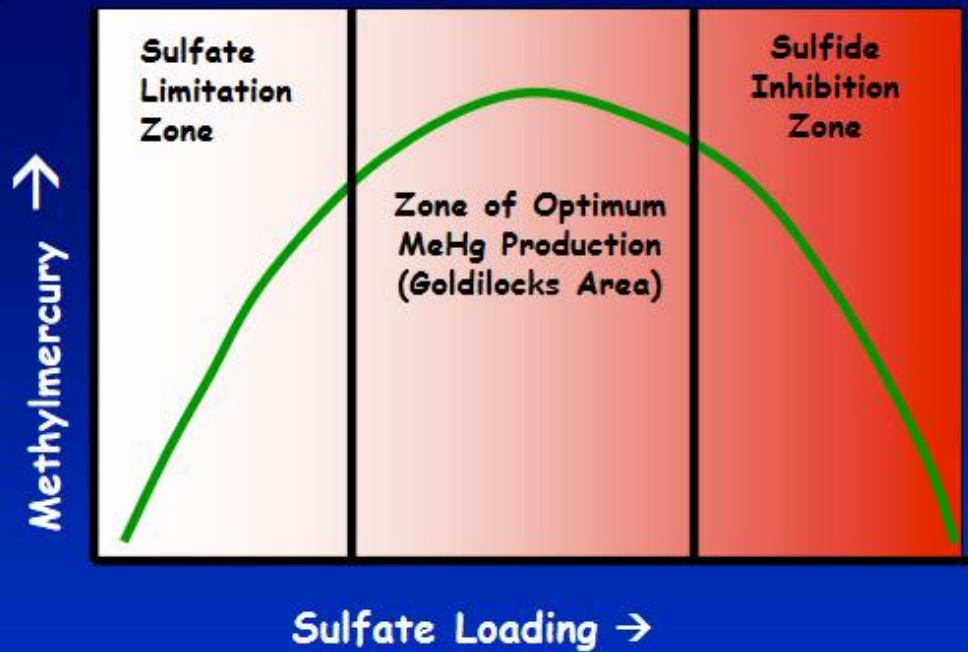
The following content illustrates the severity of the problem of not regulating mine waste. These slides show sulfate and mercury pollution cause mercury contamination of fish, and that the MPCA is complicit in obscuring the problem.



This slide shows how mercury converts to a bioavailable form and bioaccumulates in fish, making them inedible because of mercury contamination. The important point in the cycle is conversion to the bioavailable form which is caused by sulfate pollution. This is well understood and well accepted science.

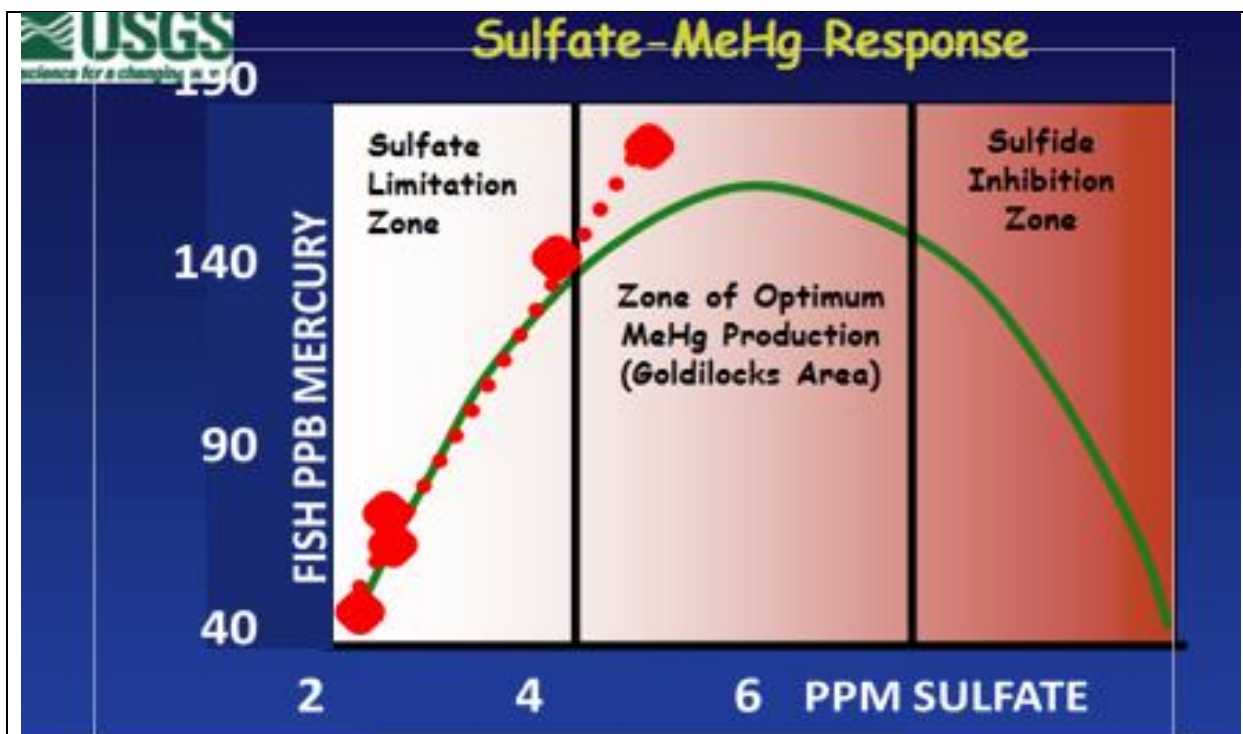
Source: Reducing mercury in fish MPCA
<https://www.pca.state.mn.us/water/reducing-mercury-contamination-fish>

Sulfate-MeHg Response



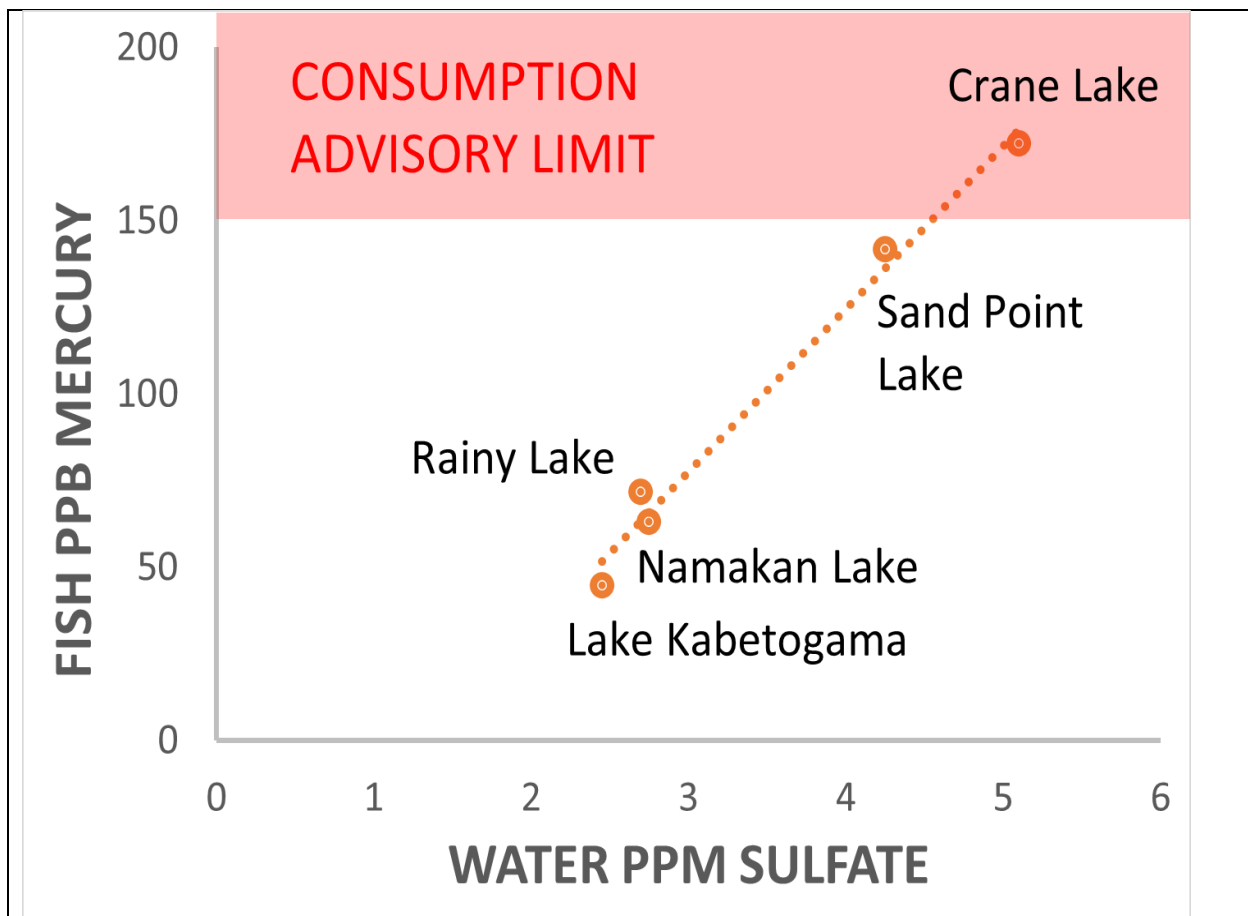
This slide illustrates how sulfate pollution is responsible for converting mercury into the bioavailable form of methyl mercury. This slide is from the US Geological Survey which shows that the first puff of sulfate pollution rapidly raises methyl mercury to a plateau in a plot shape called the Goldilocks curve. This is the step “conversion to bio-available form” from the previous slide. This is widely accepted science.

Source: Orem et al The aquatic cycling of mercury in the Everglades (ACME) Project USGS
Available at: <https://slideplayer.com/slide/4642570/>



This diagram shows the sulfate – methyl mercury response from the previous slide WITH DATA FROM MINNESOTA SUPERIMPOSED ON IT. Minnesota lakes are extremely sensitive to sulfate pollution. When sulfate concentrations in lakes reach 5 ppm, the mercury content in fish quadruples.

The Sulfate – MeHg diagram and the sulfate – fish ppb mercury data are both products of the US Geological Survey. The source of the sulfate – fish ppb mercury data is the USGS report *U.S. Geological Survey. Lake Levels and Water Quality in Comparison to Fish Mercury Body Burdens, Voyageurs National Park, Minnesota, 2013–15*. Available at: <https://pubs.usgs.gov/sir/2016/5175/sir20165175.pdf>



This is the same sulfate – fish ppb mercury data from the USGS report with the names of Minnesota lakes where the sulfate and mercury in fish were measured. It is the ADDITION of sulfate pollution that increases the mercury in fish. The source of the sulfate pollution in these lakes is the MinnTac tailings basin in Virginia. Crane Lake and Sand Point Lake are closest to the MinnTac source of pollution, causing them to have higher sulfate concentrations and much more mercury in fish. Sand Point, Namakan, and Rainy Lakes all lie further downstream where sulfate pollution has become more diluted.

The MPCA has allowed MinnTac to pollute freely, including for at least a decade without a valid permit. MinnTac is promoting the de-listing of water use designations in Minnesota. The MPCA is working on that for MinnTac which is the reason for the ALJ hearing.

U.S. Geological Survey. Lake Levels and Water Quality in Comparison to Fish Mercury Body Burdens, Voyageurs National Park, Minnesota, 2013–15. Available at:
<https://pubs.usgs.gov/sir/2016/5175/sir20165175.pdf>

Mercury Levels in Blood from Newborns in the Lake Superior Basin

GLNPO ID 2007-942

Final Report

November 30, 2011

Submitted by:

Patricia McCann

Minnesota Department of Health

Division of Environmental Health

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A wide range of total mercury concentrations was measured in blood spots. The maximum concentration was 211 µg/l. Of the 1465 samples analyzed 8% were above 5.8 µg/l; the US EPA Reference Dose (RfD) for methylmercury. No association was seen between mercury concentration and sex or urban versus non-urban residence. Results suggest a seasonal exposure pattern with the highest concentrations measured in summer births. While the form of mercury is not known, since total mercury mercury was measured, this seasonal exposure pattern supports a local fish consumption exposure pathway.

This is why mercury contamination of fish matters. Minnesota Department of Health researcher Patricia McCann's research shows that one in ten babies in Minnesota's Lake Superior basin are born with unsafe levels of mercury **and five babies in the study had more than 25 times the safe limit for mercury, a level that causes severe and permanent brain damage.** Preventing brain damage in children is a compelling reason to regulate mine pollution. Regulating mine pollution won't happen without oversight of the MPCA coming from contested cases.

Available at: <https://www.health.state.mn.us/communities/environment/fish/docs/glnpo.pdf>

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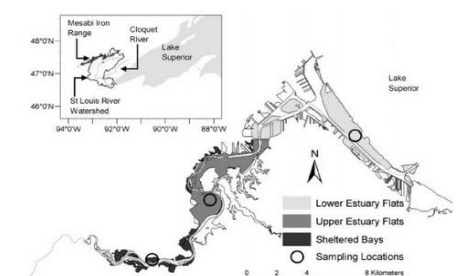
https://www.wenck.com/news/link-between-mining-and-mercury- 67% Search

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WENCK COMPANY EXPERTISE MARKETS PROJECTS CAREERS CONTACT

TUESDAY | 02.25.18

Link Between Mining and Mercury in Fish Less of a Factor than Previously Thought



WENCK AUTHOR
BRIAN BECK
WATER QUALITY SCIENTIST
bbeck@wenck.com

“In the State of Minnesota, there are currently 1,604 water bodies impaired for mercury. To put this into perspective, the total number of impaired waters in the State of Minnesota is 4,114.”

In the State of Minnesota, there are currently 1,604 water bodies impaired for mercury. To put this into perspective, the total number of impaired waters in the State of Minnesota is 4,114. The two primary drivers for mercury impairments are sulfate and mercury loading to streams and rivers. Wenck worked with the University of Minnesota – Duluth to investigate the factors influencing the production of the bioaccumulative form of mercury in northeastern Minnesota. The results of this work were published in an effort to help local managers assess the factors that may reduce mercury bioaccumulation in the St. Louis River Estuary.

Start

9:39 AM

But the mining companies tell a different story. They allege that mercury in fish is not related to sulfate pollution.

This and the next 8 slides show how companies in Minnesota AND THE MPCA are working to indicate that the relationship between sulfate and mercury doesn't pertain to Minnesota lakes afflicted by mining pollution. The MPCA not only accepts the fraudulent conclusions, but MPCA researchers are collaborators. This slide shows Wenck Engineering's web page that states "Link between mining and mercury in fish less of a factor than previously thought" which completely contradicts the USGS work. This statement is based on non-scientifically valid research.

Source: <https://www.wenck.com/wenck-news/>



Contents lists available at ScienceDirect

Applied Geochemistry

journal homepage: www.elsevier.com/locate/apgeochem

ScienceDirect



Geochemical factors influencing the production and transport of methylmercury in St. Louis River Estuary sediment



Brian F. Beck^{a,1}, Nathan W. Johnson^{a,2,*}

^a University of Minnesota, Water Resources Science Graduate Program, 173 McNeal Hall, 1885 Buford Ave., St. Paul, MN 55108, United States

^b University of Minnesota Duluth, Department of Civil Engineering, 1485 University Drive, 221 Civil Engineering, Duluth, MN 55812, United States

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ABSTRACT

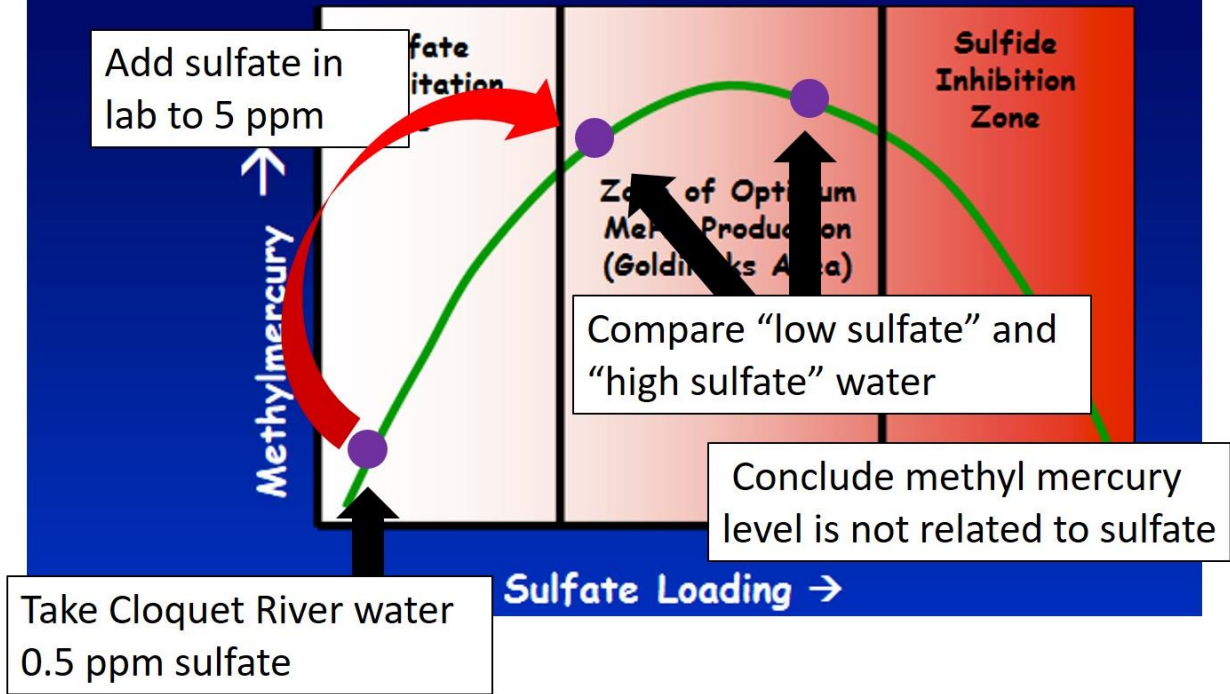
The production of methylmercury (MeHg), a bioaccumulative neurotoxin, in freshwater systems is primarily driven by naturally occurring sulfate reducing bacteria in anoxic sediment and waters. This research used laboratory microcosms to examine the influence of sulfate on MeHg production and partitioning in sulfate-impacted freshwater estuary sediment. A laboratory sulfate addition experiment exposed 20 cm diameter intact sediment cores with varying organic carbon content to sulfate concentrations in the overlying water ranging from 5 to 50 mg L⁻¹. Results from the 6 month incubation suggest that net MeHg production in sediment from near-water areas of the St. Louis River Estuary may not

This research was a collaboration between Wenck Engineering and the University of Minnesota Duluth. This is the deceptive research project that is the basis for the headline on Wenck Engineering's website in the previous slide. This one of three deceptive research projects from the University of Minnesota Duluth.

This article describes how Wenck and the University did their research. They took unpolluted water from Cloquet River (0.5 ppm sulfate) and added sulfate to bring the level up to 5 ppm and the top of the Goldilocks curve. Then they compared mercury in the doctored 5 ppm sulfate water to water with even higher sulfate pollution (15 ppm sulfate, also at the top of the Goldilocks' curve) so that they could conclude that methyl mercury was not related to sulfate. This research and conclusions drawn from it require examination in a legal proceeding.

Source: Beck B, Johnson N. Geochemical factors influencing the production and transport of methylmercury in St. Louis River Estuary sediment. Applied Geochemistry. Volume 51, December 2014, Pages 44-54

Sulfate-MeHg Response



This is a diagram to illustrate the previous slide and the deception in Wenck Engineering's/UMD research. They took unpolluted water from the Cloquet River which would not have produced methyl mercury and deliberately added enough sulfate to reach the maximum level of production. Then they compared methyl mercury from the tampered sample to methyl mercury from another sample with altered, high level of sulfate to deceptively conclude that methyl mercury and sulfate are not related.



Mercury

Will the NorthMet Project affect mercury methylation?

- A study of methylmercury production and mining by the Royal Society for Chemistry found that, "chronically impacted wetlands do not appear to continually accumulate or produce MeHg at rates different from wetlands unimpacted by mining."³

This is the PolyMet Mercury Fact Sheet from their website. It fraudulently concludes that mining impacted wetlands do not produce more methyl mercury than unimpacted wetlands.



Cite this: *Environ. Sci. Processes
Impacts*, 2016, 18, 725

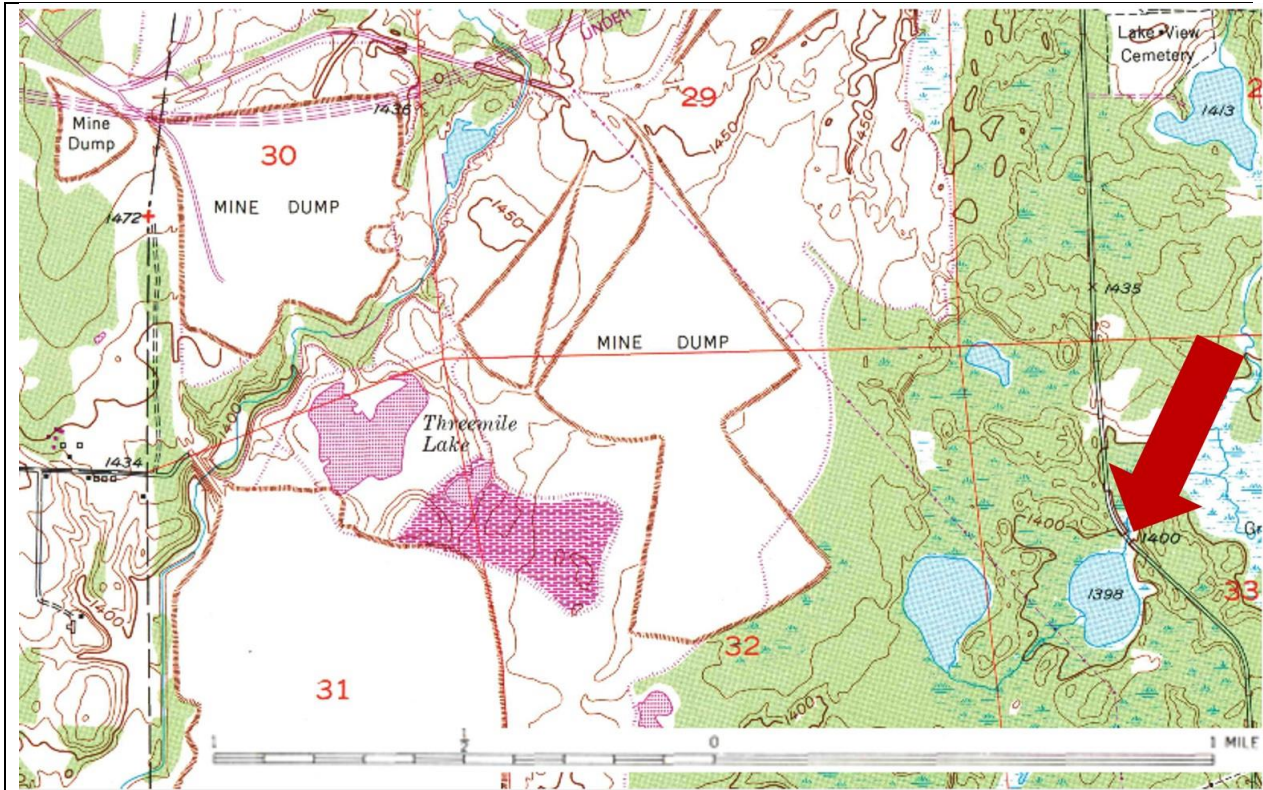
Methylmercury production in a chronically sulfate-impacted sub-boreal wetland

Nathan W. Johnson,^{a,b} Carl P. J. Mitchell,^c Daniel R. Engstrom,^d Logan T. Bailey,^b Jill K. Coleman Wasik^e and Michael E. Berndt^d

Increased deposition of atmospheric sulfate exacerbates methylmercury (MeHg) production in freshwater wetlands by stimulating methylating bacteria, but it is unclear how methylation in sub-boreal wetlands is impacted by chronically elevated sulfate inputs, such as through mine discharges. The purpose of our study is to determine how sulfate discharges to wetlands from iron mining activities impact MeHg production. In this study, we compare spatial and temporal patterns in MeHg and associated geochemistry in two wetlands receiving contrasting loads of sulfate. Two orders of magnitude less sulfate in the un-impacted wetland create significant differences in acid-volatile sulfide and porewater sulfide; however, dissolved and solid-phase MeHg concentrations and methylation rate potentials (R_{meHg}) are statistically similar in both wetlands. Permitted mine pumping events flood the sulfate-impacted wetland with very high sulfate waters during the fall. In contrast to observations in sulfate-limited systems, this large input of sulfate to a chronically sulfate-impacted system led to significantly lower potential relative methylation rates, suggesting a predominance of demethylation processes over methylation processes.

on 18 May 2016. Downloaded on 6/25/2016 5:04:16 PM
and under a Creative Commons Attribution 3.0 Unported Licence.

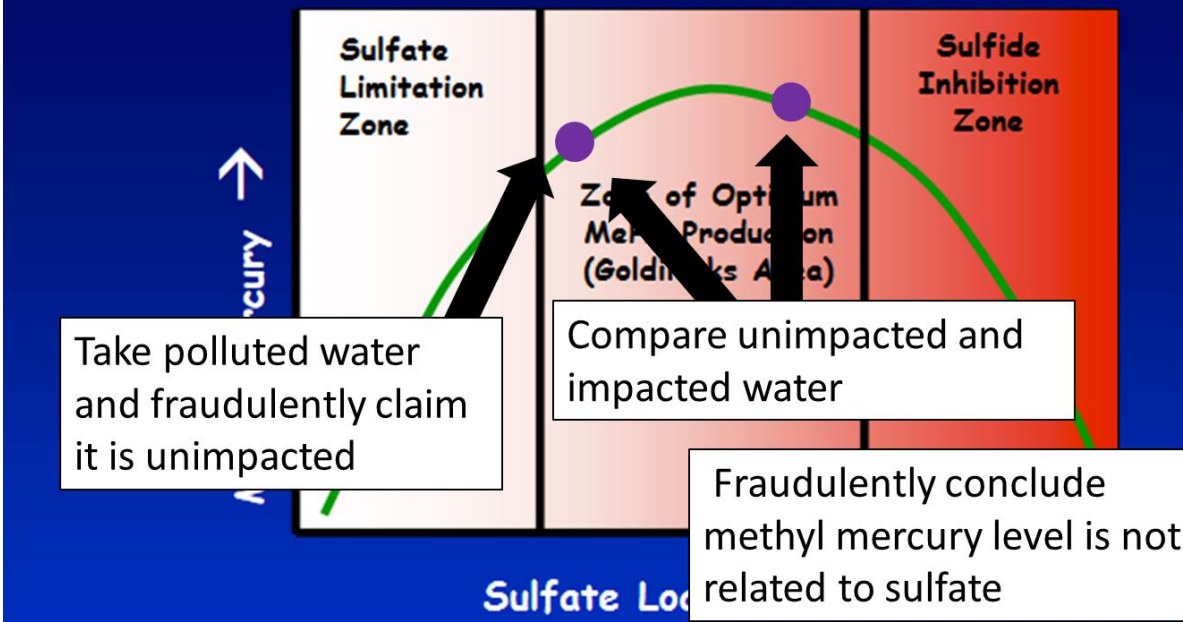
This is the second deceptive research paper from the University of Minnesota Duluth. It is the basis for PolyMet's fraudulent claims that mining pollution does not increase methyl mercury production seen on the previous slide. This paper fraudulently claims to compare methyl mercury in unpolluted water with polluted water. But as the next exhibit shows, the so-called un-impacted site is less than a mile and downhill from an array of mine dumps. The independent group of scientists, the Northern Lakes Scientific Advisory Panel, tested the water here and found it was polluted with 5.8 ppm sulfate, putting it at the top of the Goldilocks curve. Whether or not researchers committed fraud in misrepresenting this site as unimpacted is a matter for the courts.



This image shows the site of the mining unimpacted water in the University of Minnesota paper on the previous page. To represent this site as un-impacted by mining is wrong. The Northern Lakes Scientific advisory panel collected water from the site and found that it was polluted with 6 mg/L of sulfate, enough to reach the maximum level of methyl mercury production.



Sulfate-MeHg Response



This illustrates the deception in the University of Minnesota Duluth's second research project. They took polluted water from the mine dump site and fraudulently claimed it was not impacted by mining. It had enough sulfate to reach the maximum level of production. Then they compared methyl mercury from the mine dump site to methyl mercury from another polluted site and fraudulently concluded that sulfate mine pollution does not contribute to methyl mercury.

RESEARCH ARTICLE

10.1002/2017JG003788

This article is a companion to Myrbo et al. (2017), <https://doi.org/10.1002/2017JG003787> and Pollman et al. (2017), <https://doi.org/10.1002/2017JG003785>.

Key Points:

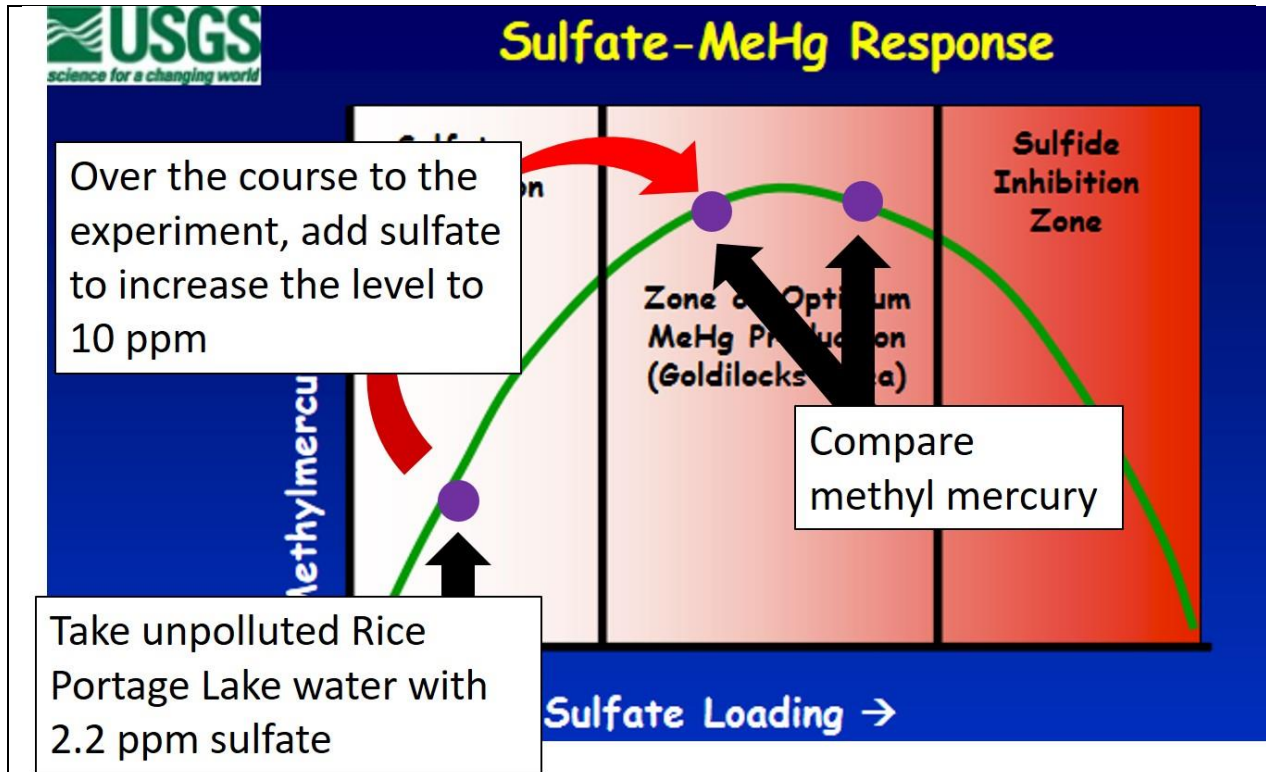
- Sulfate addition increased organic matter mineralization in wetland sediment, releasing C, N, P, and Hg to the water column

Increase in Nutrients, Mercury, and Methylmercury as a Consequence of Elevated Sulfate Reduction to Sulfide in Experimental Wetland Mesocosms

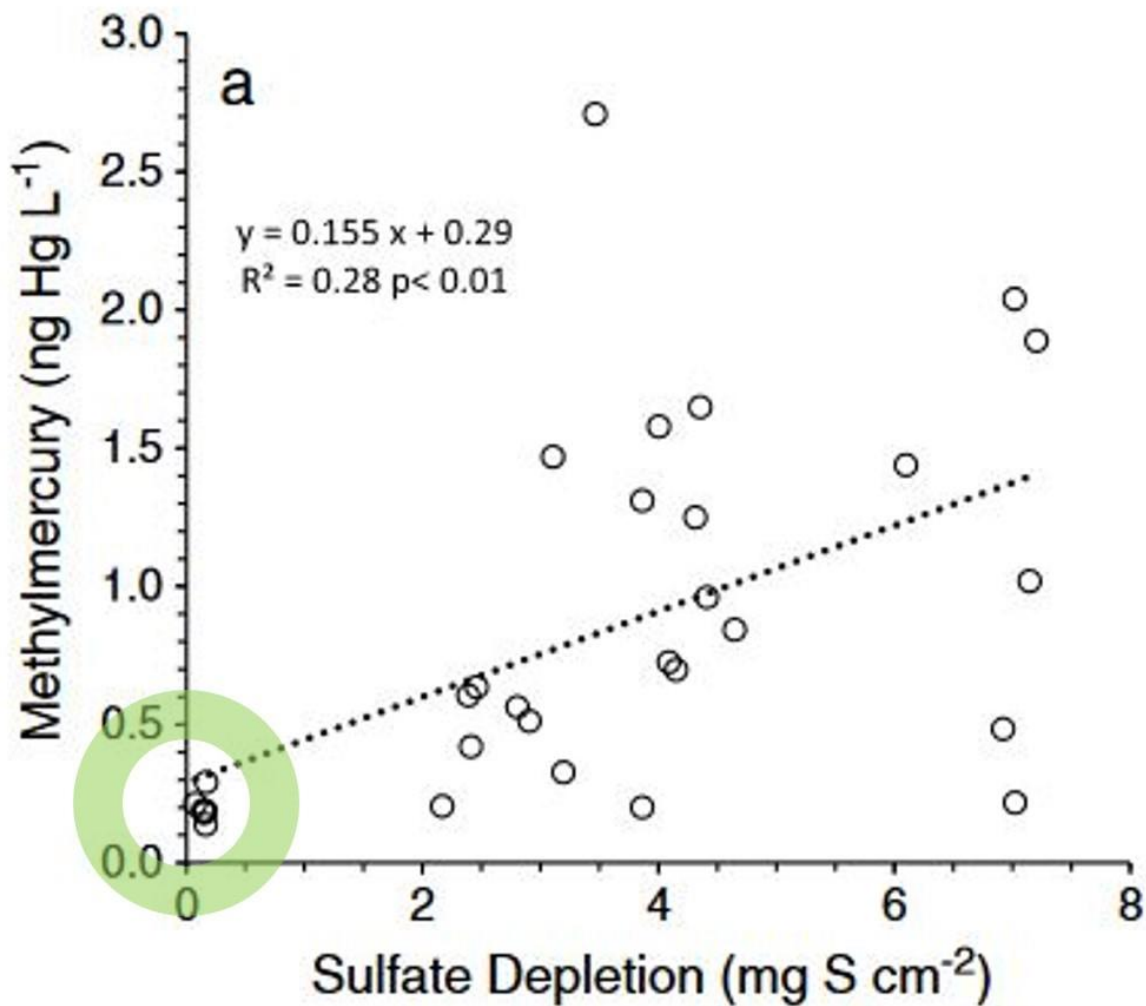
A. Myrbo¹, E. B. Swain², N. W. Johnson³, D. R. Engstrom⁴, J. Pastor⁵, B. Dewey⁵, P. Monson², J. Brenner⁶, M. Dykhuizen Shore^{2,7}, and E. B. Peters^{2,8}

¹LacCore/CSDCO and Department Earth Sciences, University of Minnesota, Minneapolis, MN, USA, ²Minnesota Pollution Control Agency, St. Paul, MN, USA, ³Department Civil Engineering, University of Minnesota, Duluth, MN, USA, ⁴St. Croix Watershed Research Station, Science Museum of Minnesota, St. Paul, MN, USA, ⁵Biology Department, University of Minnesota, Duluth, MN, USA, ⁶Minnesota Department of Health, St. Paul, MN, USA, ⁷Now at Biostatistics Division, School of Public Health, University of Minnesota, MN, USA, ⁸Now at Minnesota Department of Natural Resources, St. Paul, MN, USA

This is the third deceptive publication from the University of Minnesota Duluth. This paper includes four authors from the MPCA.



This illustrates the deception in the third University of Minnesota Duluth research project they conducted jointly with the MPCA which as referenced on the previous slide. The researchers took unpolluted water from Rice Portage Lake and added sulfate laced water to it throughout the course of the experiment bringing the level to a point where a high level of methyl mercury generation was anticipated. Then they compared methyl mercury from the tampered sample to methyl mercury from another higher level of sulfate with the intention of showing no difference.



Even though sulfate was being added to it, the University of Minnesota Duluth and MPCA's research failed to provide the desired deception. Instead the work clearly shows that methyl mercury was less from the unpolluted water sample (data points in the green circle). Based on this, they couldn't conclude that methyl mercury was unrelated to sulfate. But because sulfate was not constant in any of the samples, the data overall looks like a buckshot pattern allowing them to allege that "the relationship is not well established."

unimpacted sites	GPS	ppm sulfate
Cloquet River	47.6053, -91.7962	0.51
Horse River, BWCA	48.1003, -91.7127	1.23
unnamed creek tributary to Embarrass River	47.6581, -92.1871	< 1.28
Bear Creek tributary to Embarrass River	47.6865, -92.1863	< 1.28
Camp 8 Creek tributary to Embarrass River	47.6850, -92.1257	<1.28
Embarrass River upstream of Cliffs Erie	47.6750, -92.0542	< 1.28
Dunka River upstream of Cliffs Erie	47.6621, -91.8511	< 1.28
downstream sites		
Johnson et al "unimpacted" mine dump site	47.4643, -92.7660	5.8
Pike River downstream of <u>MinnTac Virginia</u>	47.7914, -92.3683	7.41
Lake Vermillion downstream of MinnTac Virginia	47.8047, -92.3410	11.7
Dunka River downstream of Cliffs Erie	47.6841, -91.8486	19.5
Embarrass River downstream of Cliffs Erie	47.6261, -92.2442	18.7
Langley Creek drainage from Cliffs Erie	47.6675, -91.8547	41.3

This exhibit shows water testing results from Northern Lakes Scientific Advisory Panel. The sulfate concentration is never above 2 ppm unless the collection site is downstream from mining activity. The supposedly un-impacted site in the University of Minnesota Duluth publication was polluted with 5.8 ppm sulfate.



National Pollutant Discharge Elimination System/State Disposal System

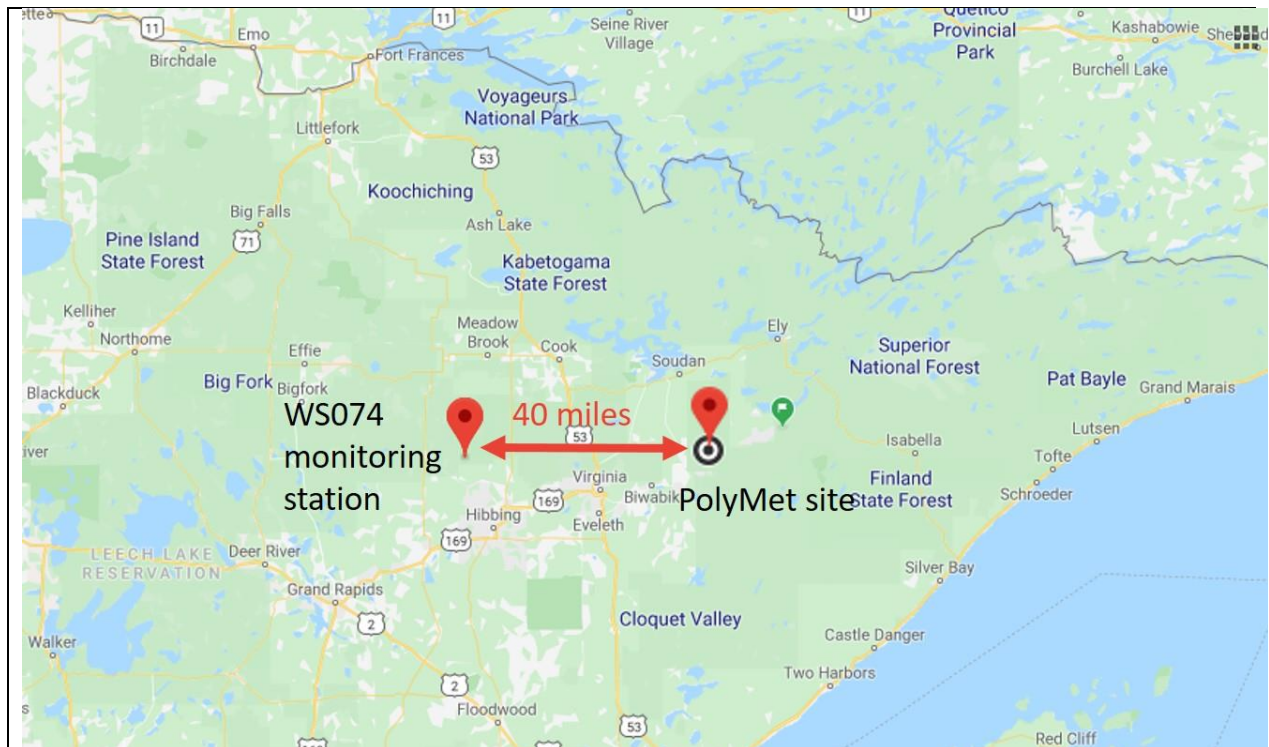
MN0071013

Permittee: Poly Met Mining, Inc.
Facility name: NorthMet Project
Receiving water: Unnamed Wetlands in the headwater area of Unnamed Creek, Unnamed Wetlands in the headwater area of Trimble Creek, and Second Creek
City or Township: Hoyt Lakes, Babbitt **County:** St. Louis
Issuance date: December 20, 2018
Expiration date: November 30, 2023

Regulating mine pollution will NOT happen if there is no oversight for the MPCA. Contested case hearings are required. This is evident from PolyMet's water discharge permit. The permit was submitted in its entirety during my oral testimony at the Administrative Law hearing in St. Paul on December 11, 2019 but it was not accepted as an exhibit. If it had been, a reviewer could see that of the 479 pages, 320 are a single table "Limits and Monitoring." The "Limits and Monitoring" table has 2335 rows, 2319 of which say "monitor only." *There are only 17 rows with any limits on pollutants for only two geographical locations which is far fewer than the number of places where mining waste water enters the environment.* EPA scientists were sharply critical of this, but their comments were buried.

Subject item	Parameter	Discharge limitations							Monitoring requirements			
		Quantity /Loading avg.	Quantity /Loading max.	Quantity /Loading units	Quality /Conc. min.	Quality /Conc. avg.	Quality /Conc. max.	Quality /Conc. units	Frequency	Sample type	Effective period	Notes
SD001 SD001: WWTS Surface Water Discharge Monitoring - Plant Site. WWTS Discharge	Iron, Dissolved (as Fe)					1.0 calendar month average	2.0 daily	milligrams per liter			Oct	
WS074 WS074: WWTS	Mercury, Total (as Hg)					1.3 calendar month average		nanograms	once per month	Grab	Jul	
WS074 WS074: WWTS	Sulfate, Total (as SO4)					10.0 12-month moving average		milligrams per liter				
SD001 SD001: WWTS Surface Water Discharge Monitoring - Plant Site. WWTS Discharge	Mercury, Total (as Hg)					1000 calendar month average	2000 daily maximum	nanograms	once per month	Grab	Jul	
SD001 SD001: WWTS Surface Water Discharge Monitoring - Plant Site. WWTS Discharge	Copper, Total (as Cu)					150 calendar month average	300 daily	micrograms				
SD001 SD001: WWTS Surface Water Discharge Monitoring - Plant Site. WWTS Discharge	Solids, Total					20 calendar month average	30 daily	milligrams per liter	once per month	Grab	Apr, Jul,	
WS074 WS074: WWTS	Lead, Total (as Pb)					3.2 calendar month average		micrograms			Oct	
SD001 SD001: WWTS Surface Water Discharge Monitoring - Plant Site. WWTS Discharge	Lead, Total (as Pb)					300 calendar month average	600 daily	micrograms	once per month	Grab	Apr, Jul,	
WS074 WS074: WWTS	Cobalt, Total (as Co)					5.0 calendar month average		micrograms			Oct	
SD001 SD001: WWTS Surface Water Discharge Monitoring - Plant Site. WWTS Discharge	Cadmium, Total (as Cd)					50 calendar month average	100 daily	micrograms				
SD001 SD001: WWTS Surface Water Discharge Monitoring - Plant Site. WWTS Discharge	Arsenic, Total (as As)					500 calendar month average	1000 daily maximum	micrograms	once per month	Grab	Jul	
SD001 SD001: WWTS Surface Water Discharge Monitoring - Plant Site. WWTS Discharge	Zinc, Total (as Zn)					500 calendar month average	1000 daily maximum	micrograms				
WS074 WS074: WWTS	Nickel, Total (as Ni)					52 calendar month average		micrograms	once per month	Grab	Apr, Jul,	
WS074 WS074: WWTS	Arsenic, Total (as As)					53 calendar month average		micrograms			Oct	
WS074 WS074: WWTS	Sulfate, Total (as SO4)					9.0 calendar month average intervention		milligrams per liter				
WS074 WS074: WWTS	Copper, Total (as Cu)					9.3 calendar month average		micrograms				
SD001 SD001: WWTS Surface Water Discharge	pH				6.0 calendar		9.0 calendar month maximum	standard units	once per week	Measurement, Continuous	Jan-Dec	

This is a compilation of every row in the PolyMet water discharge permit that has a limit. It just fills a single page. This level of regulation allows PolyMet to pollute freely.



This map is evidence of the meaninglessness of the MPCA's water discharge permit for PolyMet. The only location where sulfate is limited in any PolyMet discharges is at Public Land Survey location T59N, R21W, S09, NW, SW which is GPS location 47.593105,-93.040195. This location is too far away from the dumping sites so it will appear that PolyMet is not polluting the water while they are actually dumping anything they want without restraint.

Lake Profile

Special walleye reg to remain in place for Itasca's Trout Lake

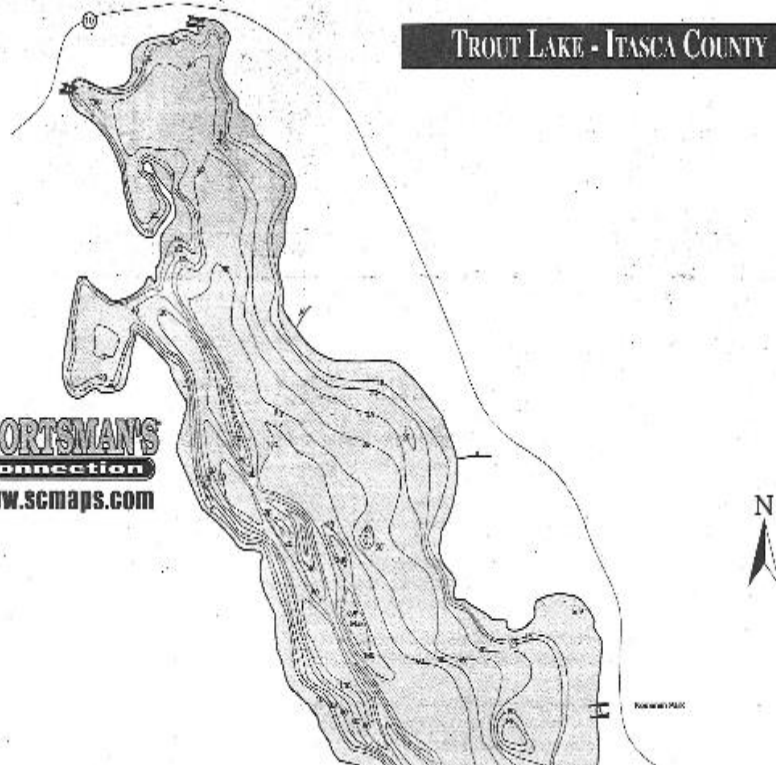
By Tim Spielman
Associate Editor

Itasca County's Trout Lake, located on the edge of the town of Coleraine, definitely looks like a trout lake. But the fact is, the last documented lake trout in this deep, 1,850-acre lake, was found in 1956, according to Chris Kavanaugh, DNR area fisheries supervisor in Grand Rapids. And since then, the department hasn't attempted a re-introduction of the species.

In fact, local lore tells of a great population of lakewas during the first half of the 20th century, a population that included fish over

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TROUT LAKE - ITASCA COUNTY



This is the consequence of de-regulating water. The last trout from Trout Lake in Itasca county was caught in 1956, before most of us were born. They were killed by mining pollution. And while the water quality is slowly improving, it's not worth trying to re-establish trout in Trout Lake in our lifetimes. Enough is enough. The MPCA should not be allowed to continue aiding and abetting polluters, destroying fisheries, and injuring children. Everything they do needs to be contested.

Sulfate pollution is a severe concern for the northern Minnesota. Sulfide mining creates an immense liability because of the amount of sulfate pollution generated. The MPCA is complicit in allowing PolyMet to dump all of it with no restraint, no limit, no checks and balances and no oversight. The MPCA should not be allowed to continue aiding and abetting polluters, destroying fisheries, and injuring children.

I respectfully request that the MPCA NOT BE ALLOWED TO DE-REGULATE WATER POLLUTION. Do not allow the MPCA to proceed with the proposed rule changes. This matter should be contested in the courts.

Sincerely,

Eric D. Morrison, PhD

Date: December 11, 2019

To: Ann C. O'Reilly, Administrative Law Judge, P.O. Box 64620, St. Paul, MN 55164-0620;
c/o sheena.denny@state.mn.us

Mary H. Lynn, Minnesota Pollution Control Agency, 520 Lafayette Rd. North, St. Paul, MN 55155; mary.lynn@state.mn.us

From: Laura Gauger, 231 E. Superior St. #1409, Duluth, MN 55802

RE: Docket No. 65-9003-35561: Proposed Amendments to Rules Governing Water Quality Standards – Class 2 and Class 7 Use Designations, Minnesota Rules, Chapter 7050

Dear Administrative Law Judge O'Reilly and Ms. Lynn:

My name is Laura Gauger. I am a resident of Duluth, Minnesota and filing these comments pursuant to the December 11, 2019 public hearing on proposed rule changes impacting Minnesota's trout waters. It is my understanding that the proposed rules would effectively **eliminate the existing sulfate standards** for many of the state's surface waters, which could, in turn, harm the fish population (due to sulfate-enhanced mercury methylation) and put the state's wild rice waters at risk. On that basis I oppose the rule change.

If my assessment of how the new rules would impact the applicability of the existing sulfate standards for surface waters is correct, please read on.

By way of background, I have been involved in efforts to protect the waters of the Great Lakes region from the adverse impacts of metal-sulfide mining for many years. In 2007, I coauthored a bookⁱ discussing the politics and environmental performance of the nearby Flambeau Mine in Wisconsin (a copper-sulfide mine that operated near Ladysmith in the 1990s), and I was also a plaintiff in a Clean Water Act lawsuitⁱⁱ filed against the Flambeau Mine's owner in federal court in 2011. In 2017, I founded a 501(c)(3) nonprofit organization, Deer Tail Scientificⁱⁱⁱ, to continue the vital work of educating the public, government officials and tribal sovereign nations with Flambeau Mine-related information that has a bearing on other proposed projects in the region.

It is no secret that, for quite some time, the mining industry has been attacking Minnesota's sulfate limit in trout waters as well as the more protective sulfate limit that applies in wild rice waters, and that the industry has thus far been unsuccessful in weakening the standards. At the Flambeau Mine, considered state-of-the-art by today's standards, sulfate concentrations increased *dramatically* in site groundwaters subsequent to mining (see attached graph from a recently-released report^{iv} by hydrogeologist Robert E. Moran), even though the mine was *tiny* compared to the **HUGE** proposals under consideration in Minnesota, and even though there is **no tailings storage at Flambeau** (all the ore was shipped by rail to Canada for processing, so that's where the really nasty by-products were generated and stored).

If the industry couldn't even prevent sulfate pollution at a *tiny* state-of-the-art copper mine with no onsite tailings storage, how do they expect to do it anywhere else?

Given this unpleasant reality, together with the presence of sulfides in the Duluth Complex rocks located near biologically-rich streams, PolyMet and Twin Metals face a daunting task in meeting water quality standards at their proposed mines. **This latest proposed rule change suggests that one main strategy is to ensure that *damaging standards are eliminated*.**

Please do not allow this disingenuous approach to regulating the state's surface waters to become law.

Thank you,



¹ Laura Gauger

Attachmt: Sulfate graph

ⁱ *The Buzzards Have Landed! – The Real Story of the Flambeau Mine*, Roscoe Churchill and Laura Furtman (Gauger), Deer Tail Press, 2007, 1285 pg; <https://deertailpress.wordpress.com/on-line-access/>.

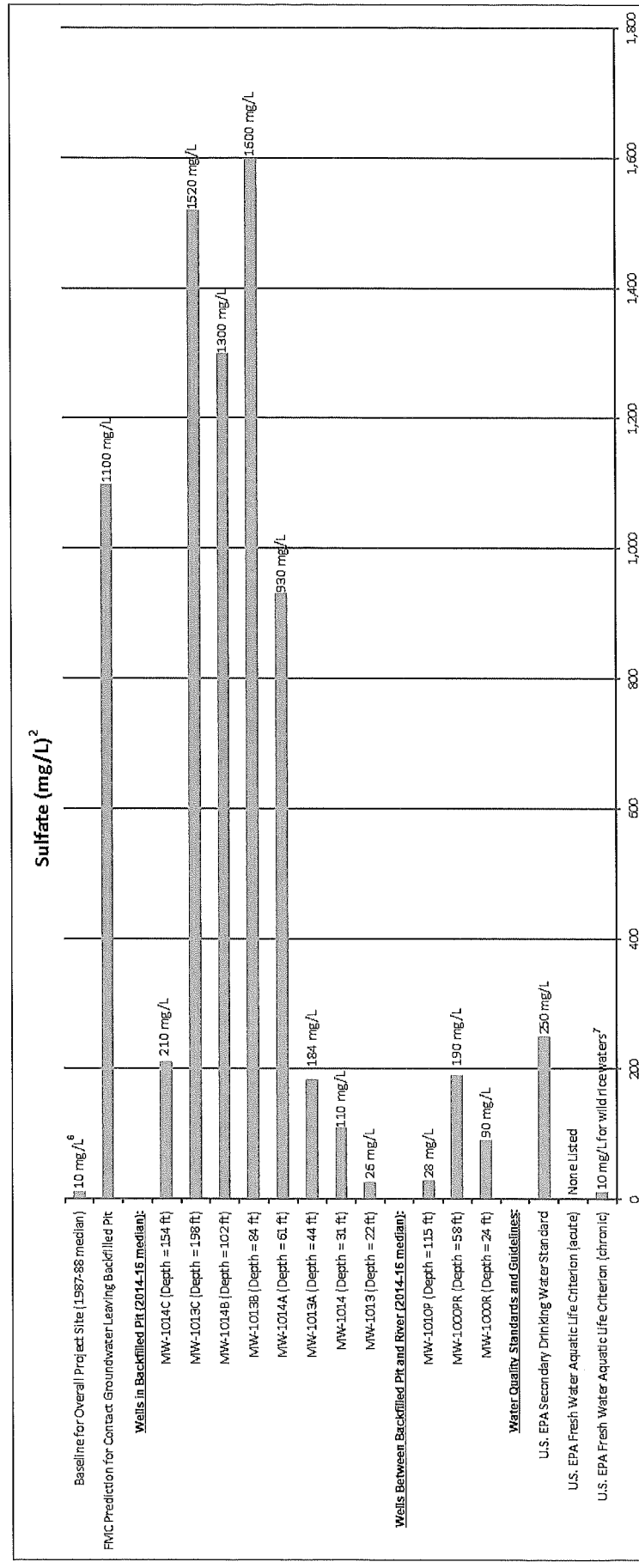
ⁱⁱ Wisconsin Resources Protection Council, Center for Biological Diversity and Laura Gauger (Plaintiffs) v. Flambeau Mining Company (Defendant); United States District Court for the Western District of Wisconsin, Case No. 11-cv-45, Jan 2011 – Jul 2012; and Wisconsin Resources Protection Council, Center for Biological Diversity and Laura Gauger (Plaintiffs-Appellees/Cross-Appellants) v. Flambeau Mining Company (Defendant-Appellant/Cross-Appellee); United States Court of Appeals for the Seventh Circuit, Appeal No. 12-2969 and 12-3434, Aug 2012 – Aug 2013. For more information, go to: <https://deertailscientific.wordpress.com/legal-actions/>.

ⁱⁱⁱ *The mission of Deer Tail Scientific (deertailscientific.wordpress.com) is to educate the public, government officials and tribal sovereign nations with fact-based information on: (1) the permitting, development, reclamation, environmental performance and economics of Wisconsin's Flambeau Mine; and (2) how the Flambeau Mine compares to other mines (closed, currently operating or proposed) in the Great Lakes region and beyond.*

^{iv} Flambeau Mine: Water Contamination and Selective "Alternative Facts", Dr. Robert E. Moran (Michael-Moran Associates, Golden CO; remwater.org), May 2019 (posthumous), 116 pg. (available online at: <https://deertailscientific.wordpress.com/moran-report/>).

Excerpt from: Flambeau Mine: Water Contamination and Selective "Alternative Facts", Dr. Robert E. Moran (Michael Moran Associates, Golden CO; remwater.org), May 2019 (posthumous), 116 pg. (available online at: <https://deertailsscientific.wordpress.com/moran-report/>)

Figure 9b. MEDIAN (2014-16)¹ Flambeau Mine ground water SULFATE concentrations² compared to baseline (1987-88)³, predictive modeling (1989)⁴, and relevant water quality standards⁵



1. Sulfate concentrations are measured in ground water by FMC on a quarterly basis. Reported concentration for each individual well is a 2014-16 median value (n = 12) determined by author using historical data presented in: 2016 Annual Report, FMC, Jan 2017. For details, see Table 6 - Ground water quality data.

2. There was no "Total" or "Dissolved" designation for baseline (1987-88) concentrations of sulfate reported by FMC in their 1989 Environmental Impact Report. Nor is there any such designation for later values reported in the summary tables of "Historical Groundwater Results" found in the company's annual reports. Penul of other FMC documents suggests reported values are Dissolved. Any concentrations clearly designated as "Total" or "Dissolved" by U.S. EPA or other government authorities in regulatory documents have been so indicated.

3. Baseline median determined by author using data presented in: Environmental Impact Report for the Flambeau Project, Foth & Van Dyke, 1989. For details, see Table 6 - Ground water quality data.

4. Figures for projected ground water quality of contact water leaving the Flambeau backfilled pit were provided by Foth in: Mining Permit Application for the Flambeau Project, Volume 2, Appendix L, Dec 1989. Also see Table 8 - Projected ground water quality.

5. For details, see Table 2 - Water quality standards.

6. Baseline Median = 10 mg/L; Range = < 5 - 48 mg/L; n = 193; 75% detects.

7. This criterion is specific for wild rice waters and was approved by U.S. EPA for the Fond du Lac Band of Lake Superior Chippewa, Grand Portage Band of Lake Superior Chippewa, and State of Minnesota. See Table 2 - Water quality standards, for more details.

Docket # 65-9003-3556

Comments from League of Women Voters Duluth

Natural Resources Committee

Possible Amendments to Water Quality Standards: Use Classification 2 and 7

The League of Women Voters studies issues, takes consensus and then takes a position on an issue. With that in mind, we are submitting the following comments from the League of Women Voters Duluth Natural Resources Committee based on a League position statement that reads as follows: The League of Women Voters promotes measures to reduce pollution and supports measures to protect water, and to preserve the physical, chemical and biological integrity of the ecosystem.

Comments:

We are submitting these comments because we are concerned that if trout streams are downgraded to Class 2B waters, water quality standards intended to protect trout and drinking water would no longer apply. We think that the main result of this downgrading would be the removal of the 250ppm sulfate limits from what are now designated trout waters. We know that excessive sulfates harm fetuses and the aquatic food chain, as well as increase mercury methylation and result in mercury contamination of fish. Mercury contamination then harms human health.

With 56% of Minnesota State waters considered impaired, we feel everything possible should be done to clean-up and protect our waters. At the present time, many previously adhered to regulations are being rolled back at the federal level. The regulations that are in place are frequently ignored, so in our estimation it doesn't make any sense to weaken the current regulations. Therefore, we strongly urge the MPCA to reconsider this potential action.

Submitted by Sally Munger and Gay Trachsel/Co-Chairs

League of Women Voters Duluth/Natural Resources Committee

32 E. First St.

Duluth, MN 55802

December 18, 2019

Office of Administrative Hearings
Attn: Denise Collins
P.O. Box 64620
St. Paul, MN 55164-0620

RCVD OAH '19 DEC 28

Water Quality Standard Rules
OAH Docket #65-9003-35561

Follow-up to Written Comment Exhibit # L-11 and oral comments provided on 12/11/2019

In both my written and oral comments, I discussed the requirement that "attainable/actual" phrasing in a statute and many rules must be accompanied by a "potential" phrasing and a "potential" assessment, and that the latter phrasing was missing from Mn R Ch 7050.0150, Subpart 6 and in Mn R Ch 7050.0420 as amended by the MPCA in Exhibit #L.2.

Mn R CH 7050.0150, Subpart 6 consists of assessment language for fish [A], aquatic macroinvertebrates [B], aquatic plants [C], habitat [D], and other [E]. This is followed by language that states that Habitat [D] is not to be used; use and assessment determinations are limited to [A], [B], and [C]. As I stated in both my previous written and oral testimony, this clearly is in contrast to and violation of all other portions of Mn R Ch 7050 that require both attainable and potentially attainable, or similar language. Only Habitat [D] or historical habitat can be explicitly used to determine potential attainment.

I want to explain in greater detail that determining a potential use or assessment is not onerous, especially for trout waters. If the temperature regime of the stream or lake is in the healthy range, the beneficial use potential will almost always be there.

If the preferred temperature range is accommodating, there are several reasons why trout may be either absent or in low numbers, which would give the MPCA an "existing" assessment "appearance" of a poor trout resource:

- Present or significant past pollution
- Fish stocking has stopped [but could be re-started at any time]
- Seasonal fish migration [sampling when the fish are temporarily gone]
- Temporarily interrupted stream connectivity keeping trout from safely migrating
- Sediment pollution preventing spawning [spawning will be restored when the sediment pollution diminishes]

The examples above are not permanent changes to the habitat; fish populations could recover if allowed to.

In situations such as these, there are a number of strategies to determine if the "potential" or the history of "potential" for trout communities is there, once an appropriate thermal regime has been determined:

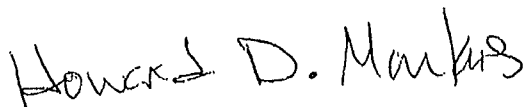
- MnDNR listing as a trout water any time after 1975
- Comparing habitat with other resources in the immediate vicinity
- Historical fishery records
- Local lore ["my father used to fish for trout there"]
- Local guides
- Bait shops
- Additional strategies

Mn R Ch 7050.0150, Subp. 6 includes assessment approaches for fish, aquatic macroinvertebrates, and aquatic plants, as noted above. The strategies immediately preceding are broad enough and useful enough to also apply to other fish populations, aquatic plant populations, and aquatic invertebrate communities. In addition, sediment [seed bank] studies can shed light on plant communities both in and near the water's edge that will help determine the potential uses.

In summary, "potential" and a "history of potential" not only must be considered when determining beneficial uses and impairment assessments but determining potential is not a major challenge for trout waters and can be elucidated for other waters as well.

During the day of the public hearing, December 11, 2019, the MPCA introduced Exhibit # L.2., which added the phrase "or feasibly attainable" as a modifier to the word "existing" in 7050.0420, B. This phrase is clearly connected to "attainment" assessments and should not be in any way connected to the "potential" assessments required in 7050.0150, Subpart 1 and many other 7050 rules, as noted in my comment letter, Exhibit #L.11, and my oral testimony.

Thank you for allowing me to augment and clarify my previously submitted testimony.

A handwritten signature in black ink that reads "Howard D. Markus". The signature is written in a cursive, slightly slanted style.

Howard Markus, Ph.D., P.E. retired
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