

Amy Okaya

Thank you for the opportunity to comment on the U.S. Steel Keetac Mine and Tailings Basin permits and U.S. Steel's application for a variance. Thank you also for the Sept. 3 meeting you held for public information and comment. I appreciated the opportunity to learn more from you as well as from the range of people who commented.

I traveled from my home in White Bear Lake to attend this meeting because I am very concerned about the current and future impacts of the Keetac mine on the people, animals, ecosystems, and economy of the northeast MN region. I feel the questions raised by the Keetac permits have important repercussions for state policy as well as the health and sustainability of perhaps the most important resource we have in the state, being Lake Superior.

Driving up to Hibbing for the first time, I could see why the residents of this and other mining communities care so much about preserving and recovering a relatively high quality of life and maintaining a strong feeling of belonging and identity.

At the meeting I also could see clearly that both miners and Indian tribal members want the same thing--to preserve their quality of life, their health, and their culture. I do not believe that these goals are mutually exclusive, and are in fact more aligned than many think. I believe the wild rice standard is a cornerstone of policy that actually unifies these interests.

I encourage MPCA to look for ways to leverage their authority to grant permits in a way that requires U.S. Steel to both adhere to the wild rice standard without further delay, and also invest in the development of the Iron Range workforce. Specifically, to receive permits, U.S. Steel should invest in training employees and others with mining experience in implementing the best treatment practices identified. They should work to develop a cadre with expertise that can, once the treatment work is completed at Keetac, act as a resource to meet other sulfate treatment needs in the state and potentially elsewhere. Perhaps this could be accomplished through a spinoff company that is a public-private partnership. We have tremendous resources in our state, including through our state universities, that could help elevate and continue to improve the science of this field, while keeping the interests of the public at the forefront.

Regarding the proposed items of the U.S. Steel Keetac Mine and Tailings Basin Permits, I support the following MPCA actions:

1) I agree with MPCA that U.S. Steel permits should require compliance with Minnesota's wild rice sulfate standard of 10 parts per million (mg/L) at both the Keetac Mine and Tailings Basin. I understand that draft permit limits of 14 mg/L monthly average and 24 mg/L daily maximum are based on this standard. **As I understand it, the sulfate standard question is now settled, and should not be relitigated or further questioned by the MPCA.**

2) I agree with MPCA that U.S. Steel should be denied a variance from compliance with the sulfate standard. A variance is a specific exception to the rules, and U.S. Steel's resistance to the expense of water quality treatment does not provide grounds to avoid the standard. **If U.S. Steel had started work to comply with the standard when their permits for the Keetac Mine and Tailings Basin wastewater permits were first issued in 2011, they would not be facing higher costs now. The fact that the standard was being challenged for a period of time since then should not absolve them from continuing to work toward compliance. Also, the sulfate standard was set for reasons that are important to the public health and environment of Minnesota, and should not be deviated from simply to help a company cut their costs.**

3) I support MPCA's requirement that U.S. Steel monitor waste streams at both the Keetac Mine and Tailings Basin for sulfate and other pollutants. It seems that this should have been required a long time ago. **Why has this not been done since 2015? The EPA's finding that Keetac released higher-than-allowed sulfate levels 299 times between Sept. 2019 and Sept. 2023 means that Keetac cannot be trusted to monitor itself and that the state needs to provide assurance to citizens that the standard is not being violated.**

However, I'm concerned that the draft permits have some gaps. The permits should be strengthened in the following ways:

1) MPCA should not give U.S. Steel another five years before they actually have to meet Minnesota's wild rice sulfate standard. Sulfate limits were set in Keetac permits in 2011, and studies on treatment were done and approved by MPCA almost a decade ago. MPCA should give U.S. Steel no more than two years to achieve full compliance with wild rice sulfate limits. Nippon Steel, the new owner of U.S. Steel, should include sulfate treatment in the \$11 billion in upgrades they've promised for U.S. Steel. **The state has already given U.S. Steel more time than is reasonable to achieve compliance. As a citizen, I expect state agencies to hold permit holders to the terms of their permits and not continue to bend the rules.**

2) MPCA should revise the Keetac permits to require groundwater monitoring, especially the groundwater beneath and adjacent to the Tailings Basin. This monitoring is needed to protect groundwater and to help determine if pollutants released through groundwater are causing or adding to violations of surface water standards. **This is also important for health reasons, as groundwater is a common source of drinking water in the region, where residents already have higher than acceptable rates of mercury exposure.**

3) MPCA should require U.S. Steel to test wastewater discharge from day one to make sure it is not toxic to aquatic life, rather than waiting for three years before toxicity testing. MPCA should also require new biological assessments the first year of the permit to determine if downstream fish and macroinvertebrates are impaired. **Given prior delays there is especially no reason to delay discharge testing. Biological assessments are important to help the public, policymakers, and researchers gain a fuller understanding of the status of the environment and toxin exposures needed to guide water management going forward.**

4) In addition to monitoring for sulfate, MPCA should require monitoring for mercury in surface waters and should update testing for mercury in fish tissue downstream of Keetac. **To protect the health of people and the environment, additional information is needed to better understand the relationship of sulfate discharge to its associated toxins and impacts on ecosystems.**

Thank you for considering my comments,

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