

Appendix 5: Informational emails sent by U.S. EPA during the public comment periods

From: [Proto, Paul](#)
To: [Marianne Bohren](#)
Cc: [REDACTED] [Kedlik, Donna](#)
Subject: RE: Request for information and extension of public comment period re EPA's Sept 1, 2021 additions to Minnesota's 2020 Impaired Waters list
Date: Thursday, September 23, 2021 3:29:00 PM

Ms. Bohren,

Thank you for your email in which you request that EPA extend the public comment period on the three additional waters and that EPA provide additional data and analysis pertaining to the three additional waters. Concerning your request for an extension, EPA decided not to extend the public comment period because of the narrow focus of this public notice on soliciting comments pertaining to EPA's listing of three specific waters.

Concerning your request for Water quality information for the three waters currently on public notice can be found at (<https://www.epa.gov/tmdl/public-notice-epas-additions-minnesotas-2020-impaired-waters-list>) may be found via the resources discussed on p. 12 of EPA's April 27, 2021, Decision Document (https://www.epa.gov/sites/default/files/2021-04/documents/2021.4.27_2020_mn_303d_dd_phase_2_.pdf). As stated in the decision document, EPA considered sulfate data, within the October 1, 2008 to September 30, 2018 time period for the following sampling stations, S000-021, S007-206, S007-444, S007-507, S007-510, S007-512 & S007-516 for the St. Louis River estuary segment (AUID 69-1291-04).

EPA will provide responses to all comments received as part of its final action on the Minnesota 2020 303(d) List.

Paul

Paul Proto | Environmental Scientist | U.S. EPA, Region 5, Water Division, Watersheds & Wetlands Branch
77 W. Jackson Blvd., WW-16J | Chicago, IL 60604 | [REDACTED]
[REDACTED]

From: Marianne Bohren [REDACTED]
Sent: Friday, September 17, 2021 3:24 PM
To: Proto, Paul [REDACTED]
Cc: [REDACTED]
Subject: Re: Request for information and extension of public comment period re EPA's Sept 1, 2021 additions to Minnesota's 2020 Impaired Waters list

Mr. Proto,

I am writing on behalf of the Western Lake Superior Sanitary District (WLSSD) to request that EPA extend the public comment period in the above captioned matter from 30 to 60 days so

that the public comment timeframe for the new proposed additions to Minnesota's 2020 303(d) List is consistent with the 60 public notice timeline required under Minn. Stat. sec. 114D.25.

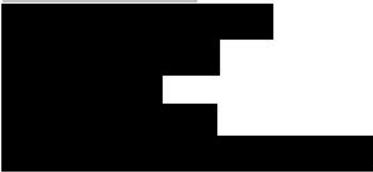
WLSSD is potentially impacted by EPA's proposal to add the St. Louis River estuary segment (AUID 69-1291-04) to the Minnesota 2020 303(d) List for a sulfate impairment and we need additional time to evaluate this proposed impairment listing and provide detailed public comments to EPA for review and consideration.

In addition, to our request to extend the public comment period we respectfully request that you provide us with the background data utilized by EPA as a basis to propose to add the St. Louis River estuary segment (AUID 69-1291-04) to the Minnesota 2020 303(d) List for sulfate impairment. The information provided in the EPA public notice does not provide the detail necessary to evaluate and comment on this addition. In addition to the background data, we would also like a copy of any comments that EPA received from the public that served as a basis for EPA to propose to add (AUID 69-1291-04) to the impaired waters list. Any and all background data that you can share with us will be helpful in our review and development of comments in this important matter.

Thank you for your attention and please respond ASAP to our request to extend the public comment period.

Sincerely,

Marianne Bohren
Executive Director
Western Lake Superior Sanitary District



From: [Proto, Paul](#)
To: [Beranek, Rob](#)
Cc: [Keclik, Donna](#); [Pfeifer, David](#); [Garcia, Antonio](#)
Subject: RE: Discuss Listing of Embarrass River Segment AUID 04010201-B00 as Impaired for Sulfate
Date: Thursday, October 21, 2021 2:27:00 PM

Hi Mr. Beranek,

Thank you for your email. EPA is currently completing its post-public notice process for its actions to add waters to the 2020 Minnesota Impaired Waters List. Although we appreciate the time-sensitive nature of your concerns, during this time we are not engaging in further discussions with commenters. EPA will respond to comments received during the first (April – June 2021) and second (September – October 2021) public comment periods. Comments related to the Embarrass River (04010201-B00) and Perch Lake (69-0688-00) segments, as well as all other comments received, will be addressed in the response to comments document. The response to comments, as well as other supporting materials, are expected to be available in November.

EPA understands that Minnesota may public notice its 2022 303(d) List sometime in November. EPA recommends that you share further comments with MPCA during this public comment opportunity for the 2022 submittal.

If you have NPDES-specific questions please contact Antonio Garcia (Garcia.antonio@epa.gov) of our R5 NPDES program.

Thank you,

Paul

Paul Proto | Environmental Scientist | U.S. EPA, Region 5, Water Division, Watersheds & Wetlands Branch
77 W. Jackson Blvd., WW-16J | Chicago, IL 60604 [REDACTED]

From: Beranek, Rob [REDACTED]
Sent: Monday, October 18, 2021 2:25 PM
To: Proto, Paul [REDACTED]
Subject: Discuss Listing of Embarrass River Segment AUID 04010201-B00 as Impaired for Sulfate

Good afternoon, Paul.

I would like to get a half hour or so on your calendar to discuss Cliffs' previous comments on EPA's proposal to list Embarrass River Segment AUID 04010201-B00 as impaired for sulfate in Minnesota.

We have a group working on an NPDES permit modification request for our Minorca facility that we plan on submitting in the next few months. Minorca has several outfalls that discharge into a

watershed that includes this river segment, so the timing of EPA's announcement regarding a final decision on this segment is becoming an important aspect of our permit modification request.

As we detailed in our previous comments, the field evaluation of this river segment did not identify any wild rice or suitable habitat so PCA had concluded to remove it from its draft wild rice waters list.

We had several other comments on EPA's proposal that I'd be happy to discuss as well, but because of the pending permit request this one has risen to the current top. The other one I could see becoming an issue soon would be Perch Lake if you had the time to discuss that one as well.

I look forward to discussing with you soon,

Rob



Rob Beranek
Director – Environmental Permitting and Regulatory Affairs

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From: [Proto, Paul](#)
To: [Gretel L. Lee](#)
Cc: [REDACTED]; [Keclik, Donna](#)
Subject: RE: Request for Comment Period Extension
Date: Thursday, September 23, 2021 3:32:00 PM

Ms. Lee,

Thank you for your email in which you request that EPA extend the public comment period on the three additional waters and that EPA provide additional data and analysis pertaining to the three additional waters. Concerning your request for an extension, EPA decided not to extend the public comment period because of the narrow focus of this public notice on soliciting comments pertaining to EPA's listing of three specific waters.

Concerning your request for Water quality information for the three waters currently on public notice can be found at (<https://www.epa.gov/tmdl/public-notice-epas-additions-minnesotas-2020-impaired-waters-list>) may be found via the resources discussed on p. 12 of EPA's April 27, 2021, Decision Document (https://www.epa.gov/sites/default/files/2021-04/documents/2021.4.27_2020_mn_303d_dd_phase_2_.pdf). As stated in the decision document, EPA considered sulfate data, within the October 1, 2008 to September 30, 2018 time period for the following sampling stations, S000-021, S007-206, S007-444, S007-507, S007-510, S007-512 & S007-516 for the St. Louis River estuary segment (AUID 69-1291-04).

EPA will provide responses to all comments received as part of its final action on the Minnesota 2020 303(d) List.

Paul

**Paul Proto | Environmental Scientist | U.S. EPA, Region 5, Water Division, Watersheds & Wetlands Branch
77 W. Jackson Blvd., WW-16J | Chicago, IL 60604 | [REDACTED]**

From: Gretel L. Lee [REDACTED]
Sent: Monday, September 20, 2021 3:42 PM
To: Proto, Pau [REDACTED]
Cc: [REDACTED]
Subject: Request for Comment Period Extension

Good afternoon Mr. Proto:

Please find the Minnesota Environmental Science and Economic Review Board's ("MESERB") request for an extension of the public comment period on EPA's proposal to add Perch Lake (WID 69-0688-00), Sturgeon Lake (WID 25-0017-01) and a St. Louis River estuary segment (WID 69-1291-04) to Minnesota's 2020 List of Impaired Waters for sulfate impairments attached here. MESERB is

requesting an extension from 30 days to 60 days for reasons discussed therein.

If you have any questions or trouble opening the attachment, please do not hesitate to contact me.
Thank you.

Sincerely,

Gretel Lee

Gretel Lee

Associate Attorney

Flaherty & Hood, P.A.



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