

MINING

Group demands inquiry into EPA handling of Minn. project

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An aerial view of the PolyMet mine site. PolyMet Mining Inc.

Minnesota Democratic Rep. Betty McCollum, a top appropriator, will demand EPA release its own staff's concerns about water pollution permits for a copper-nickel mine in her home state.

Hoping to at least delay PolyMet Mining Inc.'s project near Hoyt Lakes, Minn., local environmental group WaterLegacy requested a congressional inquiry yesterday in a [letter](#) to McCollum, the next chairwoman of the House Interior and Environment Appropriations Subcommittee.

The missive also went out to House Energy and Commerce Chairman Frank Pallone (D-N.J.) and House Oversight and Reform Chairman Elijah Cummings (D-Md.).

Paula Maccabee, WaterLegacy advocacy director and attorney, said documents obtained under Minnesota's Data Practices Act show EPA Region 5 officials had long-standing concerns about the NorthMet mine.

Maccabee says EPA completed written comments but did not provide them to the Minnesota Pollution Control Agency (MPCA) before it issued a National Pollutant Discharge Elimination System permit in December.

"It is remarkable that the EPA did not comment prior to the issuance of water pollution permits," McCollum said in an emailed statement.

"What happened?"

The congresswoman said she will request EPA release PolyMet-related comments, working with Pallone, Cummings and others, because the public has "the right to know."

EPA did not respond to a request for comment.

"I'm grateful that we have in Minnesota somebody who is serious about the public right to know," Maccabee said,

"because there sure doesn't seem there is any other way to get the information."

After hearing rumors about internal concerns, Maccabee filed a Freedom of Information Act request but was told, because of a lack of a public interest in the documents, completing the request could cost up to \$10,000. She appealed the decision last July but has not heard back since.

Maccabee says she has also yet to receive a response to a second FOIA request solely for EPA's written comments filed last October.

While EPA has "stonewalled," Maccabee says she gave House Democrats the documents she received from MPCA, including handwritten notes taken during phone calls with EPA about the PolyMet project.

"We look forward to working with you to resolve the issues identified in this review as MPCA moves forward," a Region 5 staffer wrote in a 2016 [letter](#), noting "deficiencies" regarding effluent and wastewater treatment. In [notes](#) from a March 2018 phone call, MPCA staff wrote that "EPA want to submit comments — Make clear what EPA concerns are. Clarify permit conditions."

Until the comments are released, WaterLegacy wants MPCA to put the water quality certification issued to PolyMet in December on hold.

"It is also possible that our experience in Minnesota is part of a larger pattern where EPA regional staff has been constrained or directed to withhold written comments from states and from the public or otherwise hamstrung in their ability to ensure compliance with federal environmental laws," Maccabee said.

McCollum says acting EPA Administrator Andrew Wheeler should answer about the lack of transparency at his agency during his Senate confirmation hearing today.

"If the EPA is hiding information related to PolyMet," she said, "what other critical information is being kept from the American people?"

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