

Subject: RE: RFP - coordinated sulfate research effort

Date: Friday, February 10, 2012 1:04:51 PM CT

From: Carey, Patrick (MPCA), MPC758afda6-1be7-457d-82f1-55a0b38d8140>

To: Berndt, Mike (DNR), DNR Mike 4359b965-f785-4cb1-a5ab-713b88566033>

Mike, hope you don't mind me responding to this particular issueTrying to, hopefully, take some heat off of you for that particular issue!?

Do you see this as changing our agenda at all for next week's meeting? I see that you forwarded the invite for next week's meeting on to some of your management folks. Should I be inviting my management type folks to the meeting?

Thanks. -Pat

From: Carey, Patrick (MPCA)

Sent: Friday, February 10, 2012 11:55 AM

To: 'Nancy Schuldt'; Berndt, Mike (DNR); Monson, Bruce A (MPCA); Swain, Ed (MPCA)

Cc: McConnell, Mary (DNR); Thornton, J. David (MPCA); Alie Muneer; Hanson, Suzanne (MPCA); Kennedy, Mike (MPCA)

Subject: RE: RFP - coordinated sulfate research effort

Hi Nancy,

While you raise a number of issues, I'll briefly respond to the issue raised in your last paragraph (i.e., better integration of the two efforts) since we are involved in working on some aspects of that issue. We had already recognized this issue and, as a start, had already set up a meeting between our two agencies (MPCA and DNR) to discuss how we might accomplish this from a state agency perspective. We recognize the need to also subsequently communicate with other partners involved in the different efforts to make sure that the efforts complement each other to the extent possible. We see the "to-be-scheduled" meeting you mentioned of state, federal, tribal, and academic mercury experts as one of those communication opportunities.

Up until a few weeks ago, TMDL project partners (including Fond du Lac) weren't entirely sure of the future of the TMDL and whether additional funding for monitoring/data gaps would even be available. Now that project partners have recently made decisions on the scope/direction of the TMDL, several initial steps moving forward, and had additional necessary funds provided by EPA, we are now at a point of more certainty in the TMDL project making it a good time to increase our communication and coordination with a broader range of partners and stakeholders. I know you will continue to be involved in these increased discussions and communications.

Thanks. -Pat

From: Nancy Schuldt [mailto:NancySchuldt@FDLREZ.COM]
Sent: Thursday, February 09, 2012 10:17 AM
To: Berndt, Mike (DNR); Monson, Bruce A (MPCA); Swain, Ed (MPCA)
Cc: McConnell, Mary (DNR); Thornton, J. David (MPCA); Alie Muneer; Hanson, Suzanne (MPCA); Carey, Patrick (MPCA); Kennedy, Mike (MPCA)
Subject: RE: RFP - coordinated sulfate research effort

Mike:

We appreciated your presentations at the recent tribal/state quarterly mining meeting, regarding the research you have been involved in related to sulfate discharges from mine sites, mercury methylation, and mercury emissions control technology for taconite plants. I was particularly interested in the RFP that recently closed, and how the DNR would be scoping the research and experimental design, especially when you indicated (obviously joking) that you “would have to kill me ” if you told me more about how this DNR Cooperative Research would specifically address questions related to mercury bioaccumulation while the competitive process was still ongoing.

Now that I have had a chance to read the full RFP on the DNR website, I see that the intent is to have the selected scientists develop the overall study design with input from DNR and MPCA scientists, and industry personnel. I am wondering why industry personnel would be included in developing an experimental approach for answering these questions, yet there is no mention of including tribal agencies who have also conducted mercury bioaccumulation research and have federally delegated regulatory programs to help them address this fundamental threat to a traditional subsistence life. Your agency and the MPCA are certainly aware of Fond du Lac ’s role in the TMDL process for the St. Louis River, with its primary focus on addressing the watershed-wide mercury in fish impairment, and our recent discussions about data gaps that could be addressed through this process, specifically mercury in biota and bioaccumulation pathways. I am troubled that industry would have an opportunity to help design this study, funded through the Environmental and Natural Resources Trust Fund, but tribal scientists would not.

I would also question the statement in the RFP, which seems to be intended to justify the mining industry ’s participation in directing state-funded research, that “Minnesota companies are currently required to meet the 10 mg/l wild rice sulfate standard when wild rice is present downstream from their operations ”. It may be more accurate to state that this industry is finally being required to investigate the occurrence of wild rice in receiving waters for their discharges, and in some cases being required to investigate sulfate reduction opportunities in their processes, or inclusion of a schedule of compliance to work towards eventually meeting the standard, but no facility (that I am aware of) is being required to spend money on treatment to meet this criterion while the state evaluates its long-standing regulation.

You may have heard that EPA Region 5 has allocated additional funds (\$200,000) for the St. Louis River TMDL study to address additional data collection, and there will likely be continuing discussions with the state, federal and tribal partners, and inclusion of academic researchers, to discern the most critical data needs. I would respectfully suggest that, in order to most efficiently and effectively direct public

funds to answer questions that will ultimately clarify regulatory actions, your agency might consider coordinating your research effort with the TMDL data collection effort, which will occur within the same timeframe as your research program (2012 field season, into 2013). We are intending to convene a meeting in the next month to bring state, federal, tribal, and academic experts together to prioritize data needs for the TMDL modeling effort that is just getting underway. Since you are in a unique position of both coordinating the ENTRF research and participating with our group of TMDL experts, would you consider finding a way to better integrate these two parallel processes?

I look forward to hearing from you –

Nancy Schuldt

Water Projects Coordinator

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