



July 11, 2017

The Honorable Scott Pruitt, Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Proposed Rule; Financial Responsibility Requirements Under CERCLA § 108(b) for Classes of Facilities in the Hardrock Mining Industry, 82 Fed. Reg. 3,338 (Jan. 11, 2017); Docket ID EPA-HQ-SFUND-2015-0781

The Iron Mining Association of Minnesota (IMA) appreciates this opportunity to comment on the Environmental Protection Agency's proposal to include iron ore mining as a form of "hardrock mining" requiring financial responsibility regulation pursuant to CERCLA § 108(b). (Financial Responsibility Requirements Under CERCLA § 108(b) for Classes of Facilities in the Hardrock Mining, 82 Fed. Reg. 3,388 (Jan. 11, 2017)).

For more than 135 years, Minnesota's iron mining industry has operated in northeastern Minnesota. The IMA's membership includes six taconite iron ore mines as well as 150 vendor members who supply the iron mines with products and services used every day in each facility. The IMA seeks to effectively influence public policy, educate, and shape public opinion in support of a strong, sustainable iron mining industry committed to mining products that meet society's needs. IMA serves as the voice of the iron mining industry in the public policy arena and advances the case for iron mining in the domestic marketplace. IMA members have a direct interest in the proposed rule, which, as currently drafted, would impose onerous and a financially crippling new requirements on current operations with no resulting benefit to the public. As explained below, these proposed new requirements are unwarranted for the iron ore mining sector.

In Minnesota's 135-year iron mining history, taconite operations have demonstrated very low environmental and public health risks, as evidenced by the negligible hazardous chemicals involved in iron ore mining, the lack of listings of iron ore mining sites on the CERCLA National Priorities List over the life of the program, the breadth of regulatory controls over this industry that effectively manage any existing risks, and the productive reuse of some previous mining sites as recreational facilities or public drinking water reservoirs. Iron ore mining closely resembles other mining sectors which utilize physical extraction methods that EPA already has excluded from the rule, including sand, gravel, and limestone. Many of Minnesota's iron ore mines have been reclaimed back to productive use as either a recreational area like the Minnesota Discovery Center (in Chisholm, MN), Giant's Ridge (a golf and ski resort in Biwabik, MN) and Lake Ore-B-Gone (in Gilbert, MN) or as an invaluable drinking water source for one of the largest cities in the region (Virginia, MN).

In fact, the inclusion of iron ore mines and associated operations in the proposal appears largely to have been the result of EPA's inappropriate attribution to the sector of characteristics of a *separate* sector (Iron and Steel Mills) that has a different NAICS code and represents a significantly different environmental footprint, toxic release inventory (TRI) profile, and hazardous waste output. To impose such unnecessary financial assurance

requirements on a low-risk industry like iron ore mining now would pose a threat to a critical U.S. industry that is at the core of this country's productivity, security, and potential for economic growth.

According to a recent U.S. Homeland Security study, the iron ore mining industry and supporting manufacturers support \$1.1 trillion in economic activity and employ 11 million people. The consequences of adopting this rule with no basis in real risk will have far-reaching financial implications on an industry that is currently struggling to keep its operations open in the face of global industry pressure.

The proposed changes to Financial Responsibility Requirements Under CERCLA § 108(b) for Classes of Facilities in the Hardrock Mining Industry, are redundant for the iron ore mining industry and better managed and administered by the states where operations currently are conducted. In addition, the following permits, authorizations and regulations are currently applicable, at a minimum, for mining: **Air** (Title V, PSD, National Ambient Air Quality Standards, National Emission Standards for Hazardous Air Pollutants, New Source Performance Standards, etc.); **Water** (National Pollution Discharge Elimination System, State Disposal System, Stormwater, Water Appropriations, Clean Water Act Section 401); **Wetlands** (Clean Water Act Section 404, Wetland Conservation Act (MN)); **Waste** (Solid Waste, Resource Conservation and Recovery Act); **Mining** (State Permits to Mine (MN), Mineland Reclamation Rules (MN), Part 631 (MI)). These extensive and significant permitting requirements provide additional existing assurances that iron ore mining operations will be conducted in such a way as to minimize risks. No Federal rule is needed, as risk management is already addressed at the state level.

The Iron Mining Association and its membership remain committed to strong environmental policies but does not believe that the proposed rule will advance environmental standards for the iron ore mining industry. EPA did not consult with the state of Minnesota nor with iron ore mining industry representatives. It appears that EPA was rushed in pulling together the proposed rule to comply with the court ordered December 1, 2016 deadline. As a result, numerous material errors were made in assessing the risk of the iron ore mining industry. EPA's Proposed Rules understate the cost, overstate risk, and would impose a financial responsibility burden on the iron ore mining industry. If EPA reviews the iron ore mining industry risk factors in its totality using accurate information in consultation with states and iron ore industry representatives, we believe EPA will have ample objective evidence to exclude "iron ore" from the definition of CERCLA HRM scope, as it has excluded other similar mining sectors that utilize physical extraction methods.

Very Truly Yours,



Kelsey Johnson
President
Iron Mining Association