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August 12, 2025

**Submitted through public comment form, and email**

Minnesota Pollution Control Agency  
c/o Stephanie Handeland  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
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*Re: Opportunity for oral public comment on Keetac Mine NPDES Permit, Keetac Tailings Basin NPDES Permit, and Sulfate Variance Request*

CURE, WaterLegacy, the Minnesota Center for Environmental Advocacy (MCEA), and the Minnesota Environmental Partnership (MEP) (collectively “Commenters”) submit this early public comment regarding the Minnesota Pollution Control Agency’s (MPCA) public commenting procedure in the above-referenced permitting matters. Commenters request that MPCA take public comment orally at the September 3<sup>rd</sup> public meeting that is scheduled to occur in Virginia, Minnesota, rather than only taking written comments from attendees. Commenters also request that MPCA conduct a virtual public meeting where members of the public can give comments orally, rather than only taking written comments. Finally, Commenters request an extension of the comment period to September 29<sup>th</sup>, 2025.

Many members of the public are interested in the issues of clean water that are at the center of these permitting processes. However, few if any members of the public have the technical expertise and time to comment three times in written format and not mistakenly make a comment incorrectly due to rigid commenting formats and new electronic form submission standards. The public needs a simple way to directly speak to the MPCA on these permitting matters, and normally oral public comments are the most effective way to gather this kind of public feedback.

The Council on Environmental Quality’s Environmental Justice Guidance, which was created with the input of a large number of federal agencies, recommended that where projects impact tribal or low-income communities, the agencies tailor outreach to those communities and to seek input from tribal elders and others who may have less access to formal commenting

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opportunities.<sup>1</sup> The guidance lists nine steps that agencies can take to tailor their public comment processes to best hear from tribal and low-income communities impacted by proposed actions.<sup>2</sup> MPCA is clearly not a federal agency, but nonetheless it can work with the Office of Collaboration and Dispute Resolution to, using the steps suggested by the CEQ guidance, maximize the opportunity of impacted environmental justice communities in these permitting matters.

Participation in decision-making regarding environmental protections is a central tenant of environmental justice. The Principles of Environmental Justice, a document developed by the People of Color Environmental Leadership Summit, states that “**Environmental Justice** demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, and enforcement and evaluation.”<sup>3</sup> The participation of community members, particularly tribal elders and other tribal members, is therefore essential in the permitting process. An opportunity to comment orally, rather than in writing, also provides a more inclusive and accessible forum for participation, particularly for individuals of any background who are not comfortable with written English.

Commenters believe that by allowing for oral comment at the already-scheduled public meeting and also hosting a virtual meeting that members of the public could attend online and provide comment orally (or in the meeting written chat) would be better than only requesting written comments submitted through MPCA’s online comment form. The virtual hearing should be outside of normal work hours so that it can be attended by folks who may have difficulty attending due to their employment or dependent care responsibilities.

With this letter, in the interest of allowing the MPCA the time to develop a plan for more effective and robust public participation, the undersigned groups also request an extension of the comment period by three weeks until September 29<sup>th</sup>, 2025.

Please reach out to us if we can provide any additional information that would help in arranging a successful virtual opportunity to give oral comments. As already stated, Commenters also believe that it would be helpful to allow public comment at the already-scheduled in-person public meeting.

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<sup>1</sup> Unfortunately the guidance is now difficult to find on federal agency websites, but to access an archived version please see CEQ, Environmental Justice: Guidance Under the National Environmental Policy Act (Dec. 10, 1997), [https://web.archive.org/web/20250119192324/https://www.epa.gov/sites/default/files/2015-02/documents/ej\\_guidance\\_nepa\\_ceq1297.pdf](https://web.archive.org/web/20250119192324/https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf) (archived version of the guidance that was previously available at <https://www.epa.gov/environmentaljustice/ceq-environmental-justice-guidance-under-national-environmental-policy-act>). “Participation of low-income populations, minority populations, or tribal populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historical, or other potential barriers to effective participation in the decision-making processes of Federal agencies under customary NEPA procedures. These barriers may range from agency failure to provide translation of documents to the scheduling of meetings at times and in places that are not convenient to working families.” *Id.* at 13.

<sup>2</sup> *Id.*

<sup>3</sup> *The Principles of Environmental Justice*, PEOPLE OF COLOR ENVIRONMENTAL LEADERSHIP SUMMIT, <https://www.ejnet.org/ej/principles.pdf> (last visited Aug. 11, 2025) (emphasis in original).

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Respectfully submitted,

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