

Dear EAB,

We know this appeal to you is over the deadline, but are hoping you will consider our concerns, because they have a potential to be very devastating and costly. Our board feels we should have been better notified by the tribe or the EPA about this NPDES Permit considering our township will be the most adversely affected by the discharge water (first six miles of drainage path).

When Mr. Stafslieen approached us to back him on his petition it was already past the deadline. Our Township Board of Supervisors was under the impression that the MHA Refinery was not going to happen because of the change of tribal officials and their key geologist Horace Pipe. When Marcus Wells (Levings) defeated Tex Hall in the Tribal Election he stated the tribe would not be pursuing a refinery. Now when Tex Hall became chairman a couple years ago I guess the efforts went back to the refinery and we were unaware of that. Unfortunately because of time frame we were not able to get any newspaper articles supporting that claim. Initially we were concerned with the discharge water quality, but according to the EIS that does not seem to be an issue. The other reason we would like for consideration is one that was not addressed by the EIS, please read the following correspondence I've had with Dana Allen, Bob Brobst and Eurika Durr. My first contact was with Bob and Dana was on 2-21-12 so that was not even a month past the extended deadline of 1-26-2012

I have read the EIS over a couple of times now and I still DO NOT see where the study has taken into account how the winter months (freezing) will affect the effluent discharge. In 4.3.2.3 Alternative 4 Modified Proposed Action, you directed me to, the amount of water being discharged is significant (12.6 - 58 million gallons per year). This drainage path has numerous culverts under the roadways and railways to pass through in our township alone, as well as others along the way. When this discharge water will not flow because of frozen culverts it will back up onto area landowners, farmers and ranchers property. This backup of water due to freezing will affect Mr. Stafslieen's land as well as others just south of the refinery the most. When it does start to thaw out so the water flows, it will cause a big problem in our township (the first six miles of the drainage path), the roadways will be flooded or washed out due to so much discharge water accumulated behind the first few culverts in the drainage path, just like they were this past spring due to heavy snow accumulation in our area. Who will pay for that when it happens? The MHA Refinery or EPA? Considering it will be a manmade flow not a natural one there will be no disaster payments and the townships cannot afford to rebuild flooded or washed out roads. I know the comment period ended on January 26th 2012. As I stated in my previous email there were lots of on again and off again stories with the change of Tribal officials and their refinery spokesperson Horace Pipe. I would ask that these concerns of our township board of supervisors be included into the existing comments about the NPDES permit or open the comment period back up so we along with other area people have a chance to voice our concerns. It will be much easier to address these problems and actions to fix them, before it happens rather than after.

Thank you.

Tim Gray

Plaza Township Supervisor

Mountrail County, ND