



Re: MHA Refinery 
Eurika Durr to: Tim & Amy Gray
Cc: durr.eurika

04/03/2012 12:34 PM

From: Eurika Durr/DC/USEPA/US
To: "Tim & Amy Gray" <tagray@rtc.coop>
Cc: durr.eurika@epa.gov

Dear Mr. Gray:

I understand that you would like the Board to consider the concerns raised in your e-mail below in connection with the NPDES permit issued to MHA Nation, and the petitions pending before the Board. However, any communication with the Board raising substantive issues on matters before it must be done formally (i.e., by filing a petition for review or a motion to intervene, in accordance with 40 C.F.R. part 124 and the Board's Practice Manual (*available at* [http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/8f612ee7fc725edd852570760071cb8e/9078614ff32275d08525797b00720789/\\$FILE/practice%20manual%202010.pdf](http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/8f612ee7fc725edd852570760071cb8e/9078614ff32275d08525797b00720789/$FILE/practice%20manual%202010.pdf))).

In this particular case, the deadline for filing a petition has longed elapsed (September 11, 2011). If you wish to file a formal request with the Board you must state the reasons for the delay and why should the Board entertain the request in light of the long delay. Should you have any question, you may contact me via e-mail or at 202-233-0122.

Eurika Durr
Clerk to the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
Phone: 202-233-0110
Fax: 202-233-0121

"Tim & Amy Gray"	Eurika, I have been corresponding with Bob Bro...	03/28/2012 07:50:39 PM
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From: "Tim & Amy Gray" <tagray@rtc.coop>
To: Eurika Durr/DC/USEPA/US@EPA
Date: 03/28/2012 07:50 PM
Subject: MHA Refinery

Eurika,

I have been corresponding with Bob Brobst and Dana Allen on this matter. I'm not sure if Bob and Dana have gotten the latest email I sent on (3-9-12) or not because they have not responded back to me and I did leave them both a phone message today (3-28-12). I have copied that latest email below for you to look over. I know the comment period for the MHA Nation Refinery has closed, but our Township Board of Supervisors has some very legitimate concerns with the amount of water that will be released and the path of drainage especially in the winter months. We are hoping our concerns are brought forward to the appeals board

before the permit is approved. Please let us know.

Thank you

Tim Gray
Plaza Township Supervisor
Mountrail County, ND

Dana,
Bob,

Thank you for the information about the MHA Refinery. The affect of the contamination on well and ground water seems not to be of concern according to the study. I have read it over a couple of times now and I still do not see were 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 though 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. Stafslis 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 man made flow not a natural one there will be no disaster payments and the townships can not 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 NDPES 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 then after.

Thank you.

Tim Gray
Plaza Township Supervisor
Mountrail County, ND