

BEFORE THE ENVIRONMENTAL APPEALS BOARD
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, D.C.

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| <p>In re:</p> <p>Mesabi Nugget Delaware, LLC —Hoyt Lakes, Minnesota</p> <p>Approval of a variance from water quality standards, Permit No. MN0067687</p> | <p style="text-align: center;">EAB No. _____</p> |
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**EXHIBIT LIST TO JOINT PETITION
 OF FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
 AND GRAND PORTAGE BAND OF LAKE SUPERIOR CHIPPEWA**

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| 1. | MPCA’s Mesabi Nugget Delaware, LLC’s Notice and Request for Approval of Findings of Fact, Concl. of Law and Order and Auth. to Grant a Variance and to Reissue NPDES/SDS Permit MN 0067687 and Attach. 1, Findings of Fact, Conclusions of Law, and Order (“MPCA Order”) (Oct. 24, 2012) |
| 2. | EPA Review of MPCA Order (Dec. 27, 2012) |
| 3. | Map of Hydrologic Flow from Mesabi Nugget to Lake Superior |
| 4. | Map of 1854 Ceded Territory showing Mesabi Nugget and Fond du Lac and Grand Portage Reservations |
| 5. | Draft MPCA Staff Recommendation: Seasonal Appl. of the Wild Rice Sulfate Std.—Partridge River (Aug. 27, 2012) |
| 6. | Barr Tech. Memo., Downstream Impacts of Discharges at low flow (7Q10) under Permit MN 0067687 (May 19, 2011) |
| 7. | 2012 Variance Appl. (June 2010) |
| 8. | Ltr. of T.Hyde (EPA) to A.Foss (MPCA) (Dec. 27, 2012) |
| 9. | Barr Tech. Memo.: Interim Limits for TDS and Specific Conductance (Aug. 29, 2012) |
| 10. | Barr Tech. Memo.: Area 1 Pit Water Treat. Eval. in Support of the Nondeg. Analysis (June 2011) |
| 11. | 2005 Permit |
| 12. | Barr Eng’g, Area 1 Pit Water Treat. Eval. in Support of the Non-Deg Analysis, Mesabi Nugget Phase II (Nov. 2009) |
| 13. | EPA approval ltr., attaching UAA/Variance Checklist and MPCA Findings, Conclusions, |

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| | and Order (Aug. 30, 2005) |
| 14. | Bands' Cmts. to MPCA (Oct. 17, 2012) (orig. sent unsigned by email) |
| 15. | Grand Portage Cmts. (Dec. 22, 2011) (orig. sent unsigned by email) |
| 16. | Fond du Lac Cmts. (Dec. 22, 2011) |
| 17. | MPCA Variance Issue Statement Draft (Nov. 2011) |
| 18. | Email from M.Watkins to EPA (Dec. 31, 2012) |
| 19. | Draft Permit (Jan. 2012) |
| 20. | EPA Ltr. (Feb. 29, 2012) |
| 21. | Ltr. of D.Thornton (MPCA) to M.Watkins (Grand Portage) (Dec. 10, 2010) |
| 22. | Joint Ltr. of Bands (Oct. 16, 2012) |
| 23. | MPCA Variance Issue Statement Draft (Sept. 2012) |
| 24. | J.Moyle, "Review of Relationship of Wild Rice to Sulfate Concentration of Waters," (Mar. 16, 1975) |
| 25. | J.Moyle, "Wild Rice—Some Notes, Comments and Problems," Special Publ. No. 47 (MNDNR, Sept. 2, 1975) |
| 26. | Excerpt of J.Moyle testimony on behalf of MPCA in In the Matter of the Appls. for NPDES Permits to Discharge from Three Steam Elec. Generating Plants of Minn. Power & Light Co. (MPCA Mar. 19, 1975) |
| 27. | EPA tribal consult. request to Grand Portage (Nov. 15, 2012) |
| 28. | T.Hyde (EPA to Chairwoman K.Diver (FDL) (Nov. 16, 2012) |
| 29. | Bands' Cmts. (Dec. 12, 2012) |
| 30. | EPA Record of Consult with Fond du Lac Band (Dec. 27, 2012) |
| 31. | Email of K.Mayo (EPA) to GP and FDL reps. (Dec. 6, 2012) (attaching EPA draft notes of Dec. 3 consultation call); M.Watkins (GP) to EPA reps. (Dec. 6, 2012) (attaching Mesabi Nugget financials); M.Watkins (GP) to EPA reps. (Dec. 4, 2012) (attaching EPA 2010 Econ. Guidelines); M.Watkins (GP) to EPA reps. (Dec. 4, 2012) (listing Great Lakes Water Quality Standards and five-year variance limit); M.Watkins (GP) to EPA reps. (Nov. 28, 2012) (discussing Mesabi Nugget's clean-up liability); C.Wagener (EPA) to GP and FDL reps. (Nov. 27, 2012) (attaching summary of tribal comments from Dec. 2011 to date). |
| 32. | EPA Consultation Notes (Dec. 3, 2012) |
| 33. | M.Watkins (Grand Portage) to J. Thornton (MPCA) (Dec. 23, 2009) re. MPCA Request for Historical Info. on Wild Rice (orig. sent unsigned by email) |
| 34. | Kuipers & Assocs. Water Treatment Evaluation—Technical Feasibility of Reverse Osmosis Treatment for the Mesabi Nugget Facility (Jan. 24, 2013), with attachments |
| 35. | Barr, "Economic Consequences of Meeting 10 mg/L Sulfate Standard," (May 31, 2011) |