



Permit Number
2022-0721

Dam Safety Permit

Expiration Date: 12/31/2048

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below.

Project Name: Keetac - NSPC Stage Two Tailings dam	County: St. Louis	Watershed: Mississippi River - Grand Rapids	Resource: Stream/River: Unnamed Stream (M-128-028)
Purpose of Permit: Dam Safety - Construction		Authorized Action: Permittee is authorized to continue the construction, operation, and maintenance of the existing Keetac - NSPC Stage Two Tailings Storage Facility as described in the previously submitted plans and reports on file. Administrative Amendment - This Dam Safety Permit separates dam safety permit conditions from the original Water Appropriation Permit (PA 1965-0351) and consolidates those conditions with standard dam safety conditions, providing clarity and allowing invoicing of dam safety inspection fees through MPARS.	
Permittee: UNITED STATES STEEL CORP - KEETAC CONTACT: HOFLAND, NATHANIEL, (218) 410-8941 PO BOX 217 KEEWATIN, MN 55753-0217 (218) 749-7485		Authorized Agent: N/A	
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 495320m east, 5242710m north, NWNW of Section 18, T56N, R21W			
Issued Date: 04/11/2022		Effective Date: 04/11/2022	
		Expiration Date: 12/31/2048	
Authorized Issuer: Jason Boyle	Title: State Dam Safety Engineer	Email Address: jason.boyle@state.mn.us	Phone Number: (651) 259-5715

This permit is granted **subject to** the following **CONDITIONS**:

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from

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the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

WRITTEN CONSENT: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

PERMISSIVE ONLY / NO LIABILITY: This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

WETLAND CONSERVATION ACT: Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

CONTRACTOR RESPONSIBILITY: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: https://bwsr.state.mn.us/sites/default/files/2019-01/Wetland_WCA_Contractor_Responsibility_Form.doc

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at www.mndnr.gov/invasives/ais/infested.html. A list of prohibited invasive species is available at www.mndnr.gov/invasives/laws.html#prohibited.

CONSTRUCTION DEWATERING - GENERAL: All construction dewatering in excess of 10,000 gallons per day or one million gallons per year must be authorized by a separate water appropriation permit. All worksite discharge water must be treated for sediment reduction prior to return to the surface water. Water from designated infested waters shall not be diverted to other waters, transported on a public road, or transported or appropriated off property riparian to infested waters without a DNR permit specifically for this use. All equipment in contact with infested waters must be decontaminated upon leaving the site.

EXCAVATED MATERIALS - RUNOFF CONCERN: Excavated materials must be deposited or stored in an upland area, in a manner where the materials will not be redeposited into the public water by reasonably expected high water or runoff. Departure from any previously approved spoil disposal plans may be allowed only through permit amendment.

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DAM - EROSION AND SEDIMENT CONTROL: Erosion control measures shall be adequately designed for the site characteristics. They may include staked hay bales, diversion channels, sediment ponds, or sediment fences. They shall be installed in accordance with the latest version of "The Minnesota Stormwater Manual" by the MPCA, prior to commencement and maintained throughout the project. All exposed soil shall be stabilized as soon as possible and no later than 72 hours after the completion of the project. Topsoil should be used to re-dress disturbed soil areas and indigenous plant species should be used to revegetate disturbed areas whenever possible.

DAM - FUTURE ORDERS: The DNR reserves the right to review this permit as additional hydrologic data becomes available and to issue any further order as it may become necessary to protect public interest. Should the dam be abandoned at a future date for any reason or fall into a state of disrepair, the permittee shall be responsible for all debris removal and site restoration work.

DAM - HAZARD CLASSIFICATION: The permittee understands the hazard classification could change as a result of downstream interests exercising their legal rights to develop land. The permittee may then be obligated to upgrade the dam to higher safety standards without remuneration from others.

DAM - EMERGENCY REPAIRS: Where immediate action is necessary for public health, safety and welfare, repairs may be started, but the permittee shall notify the commissioner at once. As soon as practicable, the permittee shall apply for a permit amendment for the emergency necessary permanent repairs.

19. CLEAR TIMBER, DIG DRAINAGE DITCHES: (1/6/1966 #5) - On land subject to submergence in the reservoirs the permittee shall clear all timber, standing or down, three inches or more D.B.H. (diameter breast high), by close cutting, leaving no stumps more than one foot ground measuring from the low side, and shall remove from said areas all trees and brush of less diameter as the commissioner may by subsequent order required in such manner and within the time set forth in such order, and shall dispose of all trees, brush, slashings and other debris so that none may enter the impoundment at any stage and shall keep the area so cleared at all times while this permit remains in force. Where the conformation of the ground is such that the raising and lowering of the level of any clear water reservoir maintained by the permittee might leave isolated pools of water which would trap fish life, the permittee shall dig such ditches as will drain or prevent the formation of such pools.

20. USE OF PUBLIC WATERS: (1/6/1966 #7) - The rights and privileges granted hereunder to the permittee shall not be deemed exclusive but shall be subject to the lawful rights of the public to use the public waters affected hereby and to the rights of others to use waters from said public waters as now or hereafter authorized by law, so long as such use does not interfere with the storage and use by the permittee of the water appropriation authorized hereunder.

21. PERMANENT MARKER: (5/4/1978) - A permanent marker for vertical and horizontal control, not subject to future disturbance, shall be established in the natural ground in the vicinity of Stage 2 West-South Dikes; the accuracy of the marker shall be certified either by the designer, the designer's representative, or a professional land surveyor.

22. ALTERATIONS REQUIRE APPROVAL: (5/11/1979) - If the Permittee finds at any time during the authorized construction that, in order to adequately protect the environment or public health, safety and welfare, alterations to the approved plans and specifications are required, the permittee shall promptly notify the commissioner of such requirements and shall revise the plans and specifications and submit the revisions to the commissioner for approval.

23. ANNUAL CONSTRUCTION AND MONITORING REPORT: The permittee shall submit an annual report to the DNR Dam Safety Engineer that describes the following: 1) proposed dam construction for the upcoming year, including projected dam, water, and tailings elevations; 2) any changes or variations in tailings basin design, construction, or operations from previously approved plans; 3) a summary of the past year's construction activities and quality control tests; 4) a summary of the past year's operation, maintenance, inspection, and monitoring activities; 5) a discussion of any construction, operation, maintenance, inspection, or monitoring activities that were unscheduled, or out of the ordinary, or deviated from the approved plan; 6) photographs of the tailings basin; 7) graphical presentations of all tailings basin instrumentation data, including but not limited to data from pond level monitors, piezometers, inclinometers, extensimeters, and settlement plates; and 8) a brief discussion of any monitoring results that appear to be irregular or out of tolerance. Tabular instrumentation data shall be submitted with the report in an electronic format. The Annual Report shall be due on or before March 31 of each year.

24. OPERATION AND MAINTENANCE PLAN: By March 31, 2023, Permittee shall submit to the DNR a written Operation and Maintenance Plan for review and approval by the DNR Dam Safety Engineer. The Operation and Maintenance Plan shall have content sufficient to instruct the basin engineer on how the tailings basin is to be operated, maintained,

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inspected, and monitored; and shall include at a minimum a tailings spigotting plan (details on pumps and pipelines, when spigot will be moved, emergency shutdown procedures); a water management plan (describing how the water levels will be maintained, actions during both flood and drought conditions, movement of water within the system); a geotechnical instrumentation and monitoring plan (including all instrumentation, underdrain functionality, seepage, freeboard and beach length); and the various triggers and warnings that indicate if any of the above parameters are out of expected ranges. Any changes to the Operation and Maintenance Plan require prior written permission from DNR Dam Safety.

25. OPERATION AND MAINTENANCE RESPONSIBILITY: The Permittee shall operate the dam authorized by this permit in accordance with all dam safety standards. The Permittee shall maintain the dimensions and elevations of the dam as described herein and in accordance with the Operation and Maintenance Plan. A permit amendment is required for any construction or repair that would change the hydraulic capacity or structural character of the dam that is not authorized in this Permit or impoundment approval, such as conduit replacement or embankment excavation. Routine dam maintenance, such as mowing or debris removal, does not require prior DNR approval.

26. MAXIMUM DAM ELEVATIONS: This permit authorizes the construction of the perimeter dam to elevation 1470 in the south and 1510 in the east, as shown on the Bechtel drawings dated Dec 1977 contained in the "National Tailings Basin Stage 2 Design Report December 1977".

27. PERPETUAL MAINTENANCE: The permittee shall perpetually maintain the tailings basin and all of its components to ensure the integrity of all structures. Prior to the ultimate termination of the permittee's operation of the dam, the Commissioner may impose such requirements as may be necessary to ensure that the permittee will remain financially responsible for carrying out the activities required for perpetual maintenance, and that adequate funding for perpetual maintenance continues to exist.

28. DAM SAFETY INSPECTION FEES: This permit is subject to dam safety inspection fees according to Minnesota Rules 6115.0520.

29. FUTURE TRANSFER OF OWNERSHIP: Neither this permit, nor the ownership of the dam, may be transferred except with the written consent of the Commissioner as evidenced by the issuance of a dam safety permit to a new owner. A transfer of land ownership does not automatically transfer either the permit or dam ownership. As a prerequisite to the transfer of the dam permit, the existing owner/Permittee must inform any buyer of land underlying the dam of the dam's existence. This notice must be in writing and a copy must be sent to the DNR. The DNR will not approve a transfer of this permit unless the new dam owner has demonstrated to the Commissioner's satisfaction that it can meet the financial assurance requirements.

30. INTERIM CONSTRUCTION REPORT: Within 90 days following the completion of each stage/lift of construction, the Permittee shall provide the DNR Dam Safety Engineer an Interim Construction Report, together with a statement by the designer or professional engineer in charge of the project that attests that the dam stage/lift has been completed in accordance with the approved designs, plans and specifications and any approved revisions thereof. The Interim Construction Reports shall address the items set forth in Minnesota Rules part 6115.0410, subparts 9 through 11. The Interim Construction Reports shall also include record drawings, materials sampling and testing as performed, photographs of the stages of construction, and any other items that may be of permanent value on the adequacy and permanency of the dam. The Interim Construction Reports shall be signed or co signed by a qualified engineer.

31. FINAL CONSTRUCTION REPORT: Within 90 days following the completion of final construction, the Permittee shall provide the DNR Dam Safety Engineer a Final Construction Report, together with a statement by the designer or professional engineer in charge of the project that attests that the dam has been completed in accordance with the approved designs, plans and specifications and any approved revisions thereof. The Final Construction Report shall address the items set forth in Minnesota Rules part 6115.0410, subparts 9 through 11. The Final Construction Report shall also include record drawings, materials sampling and testing as performed, photographs of the stages of construction, and any other items that may be of permanent value on the adequacy and permanency of the dam. The Final Construction Report shall be signed or co signed by a qualified engineer.

cc: Kim Boland, Area Hydrologist
Cliff Bentley, EWR District Manager
Marc Johnson, Conservation Officers, Hibbing
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David Demmer, BWSR Wetland Specialists, St. Louis
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