
PUBLIC NOTICE

Michigan Potash Operating, LLC

Draft modifications of existing Class I non-hazardous permits MI-133-1I-0004 (MPC 1D), MI-133-1I-0005 (MPC 2D), MI-133-1I-0006 (MPC 3D) and draft new Class I non-hazardous permits MI-133-1I-0007 (Hodges et al 1-36), MI-107-1I-0005 (Johnson et al 1-6) and MI-133-1I-0009 (MPC 8D)

The U.S. Environmental Protection Agency (“EPA”), Region 5, located at 77 West Jackson Blvd. Chicago IL 60604, is providing notice of its intent to issue, and an opportunity to comment on, draft modifications to three existing (issued 2017) Class 1 non-hazardous permits (Permit No. MI-133-1I-0004, Permit No. MI-133-1I-0005, and Permit No. MI-133-1I-0006, collectively, “draft Permit modifications”) and three new draft Class 1 non-hazardous permits (Permit No. MI-133-1I-0007, Permit No. MI-107-1I-0005, and Permit No. MI-133-1I-0009, collectively, “draft new Permits”) to Michigan Potash Operating, LLC (“Michigan Potash”), 600 17th Street, Suite 2300, Denver, Colorado, under the authority of Section 1422(c) of the Safe Drinking Water Act (SDWA), 42 U.S.C. §300h-1(c); 40 C.F.R. § 144.1 and Part 146, subpart B.

PUBLIC NOTICE: As provided in the attached fact sheet, Michigan Potash plans to inject into the six Class I wells listed above non-hazardous salt water generated by a proposed potash solution mining and processing operation located at its facility in Osceola County, Michigan. EPA previously provided notice and an opportunity to comment on the three draft Permit modifications for the MPC 1D well, the MPC 2D well, and the MPC 3D well from September 2, 2023, to October 4, 2023. EPA received several requests for a public hearing during that public comment period. Due to the significant public interest in the draft Permit modifications, EPA is holding a public meeting and hearing on the draft Permit modifications and extending the public comment period on the draft Permit modifications to after the close of the public hearing. The comment period will close at 11:59 pm on July 15, 2024. While the draft Permit modifications are a separate permitting action from the draft new Permits, EPA is also holding a public meeting and hearing for the three draft new Permits on the same date and location as the draft Permit modifications to provide ease of access for the surrounding community and interested stakeholders.

OPPORTUNITY FOR COMMENT:

Draft Permit modifications

Consistent with the attached fact sheet for the draft Permit modifications, EPA is extending public notice of, and an opportunity to comment on, the three draft Permit modifications pursuant to 40 C.F.R. §§ 124.10,124.12. The draft Permit modifications concern the MPC 1D well, the MPC 2D well, and the MPC 3D well located in southern Osceola County, Michigan. EPA issued UIC permits in 2017 authorizing the construction of these wells. During the public comment period, any interested person may submit written comments on the draft Permits modifications. Only the permit conditions proposed for modification are open for comment.

Draft new Permits

Consistent with the attached fact sheet for the draft new Permits, EPA is providing public notice of, and an opportunity to comment on, the three draft new Permits pursuant to 40 C.F.R. § 124.10. The new draft Permits are for the Hodges 1-36 well, the Johnson 1-16 well, and the MPC 8D well located in southern Osceola County and northern Mecosta County, Michigan. The new draft Permits are

open to all comments on those draft permits. The draft new Permits do not pertain to the draft Permit modifications. The permitting actions concern different groups of wells. Any comments on the modifications should be submitted separately.

Instructions

Direct your comments to Docket ID No. EPA-R05-OW-2024-0236, at <https://www.regulations.gov/docket/EPA-R05-OW-2024-0236>. If you submit a comment, you must include a notation of which permitting action you are commenting on: the draft Permit modifications or the draft new Permits. You must also provide your name and contact information (email preferred). Failure to do so may jeopardize your ability to receive notice of EPA's final permitting decision or your ability to appeal said decision. All comments received will be included in the public docket without change and may be available online at <https://www.regulations.gov>, including any personal information provided. Do not submit information that you consider to be CBI or otherwise personal or protected through <https://www.regulations.gov>, or e-mail.

EPA has scheduled a July 11, 2024, public meeting (5:00 to 6:20 pm) and public hearing (6:30 to 9:00 pm) at the Osceola Community Building (within the Osceola County Fair Grounds), 101 Recreation Avenue, Evart, MI 49631. You may make oral comments and/or submit written comments at the public hearing. The schedule is planned as follows:

5:00 to 5:10 PM: EPA presentation on the three new draft Permits

5:10 to 5:20 PM: EPA presentation on the draft modifications of the three existing Permits

5:20 to 6:20 PM: Question & Answer session on information from the presentations

6:30 to 8:00 PM: Public Hearing on new draft permits

8:00 to 9:00 PM: Public Hearing on draft modifications of the three existing Permits

EPA encourages submittals via the electronic docket, but if you are unable to submit electronically to the docket or your comment contains sensitive information such as personal information or confidential business information, please reach out to William Tong at 312-886-9380 for directions on how to submit your comment. Any information submitted as part of a comment during the public notice period outside of the <https://www.regulations.gov> system without prior direction from EPA will be automatically captured and included as part of the comment that is placed in the administrative record, which is available to the public.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. If you need assistance in a language other than English, or you are a person with disabilities who needs a reasonable accommodation at no cost to you, please reach out to the EPA contact person.

ADMINISTRATIVE RECORD: The administrative records, including copies of the draft permits, fact sheets, and the permit application documents, are available upon request to William Tong, 312-886-9380 or R5UIC@epa.gov. In addition, a copy of each of the administrative records is open for public inspection at 77 West Jackson Blvd. Chicago, IL at a time by appointment or request. All data submitted by the applicant is available as part of the administrative records. EPA will finalize the complete administrative record at the time of any final permit decision is issued, consistent with 40 C.F.R. § 124.18.