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May 30, 2013

Office of Environmental Information
(Mail Code: 28221T)
Docket #EPA-HQ-ORD-2013-0189
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

ORD.Docket@epa.gov

RE: Revised Draft Bristol Bay Assessment, Docket #EPA-HQ-ORD-2013-0189

Dear Sirs,

I am extremely disappointed with the Revised Draft Bristol Bay Assessment. The Revised Draft did not correct the problems that I identified in my comment letter dated July 23, 2012 regarding this topic in Docket #EPA-HQ-ORD-2012-0276.

It has been shown by me and others that **“The Assessment is based on a hypothetical mine that could not be permitted under existing State of Alaska and federal law requirements.”** Yet, the EPA Revised Draft has now expanded its evaluation to assume several other hypothetical mines will be developed in the region.

Every mine is required to have a site specific EIS based on the specific design details and environmental data for all aspects of the mine. Conversely, the EPA Revised Draft uses a hypothetical design to evaluate the potential impacts on a portion of the Bristol Bay watershed. To prejudge any mining project, or any other project, before the full details of the proposal are submitted to the NEPA process and then evaluated pursuant to the law is wrong. If EPA proceeds with this Bristol Bay Assessment and then makes decisions based on this Assessment a terrible precedent will have been set that will have the potential to adversely impact every other project in the U.S. Such impact not be limited to mining projects but to any activity that the EPA choses to block.

The Revised Draft purports to look at the Bristol Bay watershed. However, this watershed is much larger than the area being evaluated. A rough estimate is that the area included in the Revised Draft is approximately 10% of the entire watershed that drains into Bristol Bay.

The EPA hypothetical assessment cannot provide an accurate evaluation of the potential impacts of a large scale mine. This EPA methodology can never provide an accurate evaluation of potential impacts.

This assessment process being followed by EPA undermines existing agency responsibilities. This applies to EPA, other federal agencies and the State of Alaska. The current

regulations and requirements have been developed over several decades. These regulations and procedures have been the topic of countless public meetings, comment letters and court decisions. The agencies and the public have worked to develop these regulations based on scientific principles. It now appears that EPA is willing to discard this entire history and public process involvement.

The Assessment purports to be a scientific assessment but admits that it does not have the baseline data or the mine design which would be required to make a scientific evaluation of a mine. This comment from my first letter remains the same; nothing has changed and no new baseline data has been developed to support the Revised Draft.

The findings of the Revised Draft are contradicted by Alaska's record that is available for all to see. The major mines now operating in Alaska have proven the effectiveness of the permitting system, the thoroughness and diligence of the agencies responsible for monitoring the mines, and the professionalism of the companies that operate those mines. EPA has erred in not recognizing these facts.

I find it incredible that EPA has included Supplemental Peer Review Reports by consultants that are avowed opponents of the Pebble Project. At least one of these consultants has admitted in federal court that they have lied in previous environmental studies. The same individuals have been avowed opponents of the Pebble Project and other mining in Alaska and throughout the Western states. How can any agency use such companies and individuals and claim they can be objective?

This Revised Draft is by definition arbitrary and capricious. It has been arbitrarily applied to one project even though it has not been used previously; it has not utilized the public comments raised with the original Assessment; it has not utilized the comments its own review panel raised with the original Assessment; it has not considered the actual permitting process that such a project must follow; EPA has used known Pebble opponents to provide so-called peer review; and it has not considered the wealth of information which proves that mining can be accomplished without adversely impacting adjacent fisheries.

This Revised Draft Assessment should be rejected and the Pebble project allowed to proceed with permitting and the NEPA process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven C. Borell". The signature is fluid and cursive, with the first name being the most prominent.

Steven C. Borell, P.E.
Principle