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January 25, 2010

CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND
UNITED STATES FIRST-CLASS MAIL

Bruce C. Gerlach, Facility Manager
Cliffs Erie LLC
PO Box 900
County Road 666
Hoyt Lakes, MN 55750

Joseph Carrabba, Chairman, President and CEO
Cleveland Cliffs, Inc., aka Cliffs Natural Resources, Inc.
200 Public Square, Suite 3300
Cleveland, OH 44114-2544

RE: Notice of Intent to Sue Pursuant to Section 505 of the Federal Water Pollution Control Act

Dear Messrs. Gerlach and Carrabba:

This letter is to provide you with notice of intent of the Center For Biological Diversity, Save Lake Superior Association, and the Indigenous Environmental Network (“Notifiers”), to file a citizen suit against Cliffs Erie, LLC, Cleveland Cliffs, Inc., Cliffs Natural Resources, Inc. and any other necessary party or successors in interest for violations of multiple NPDES permits held under the Federal Water Pollution Control Act (“Clean Water Act”), located at three separate locations and described in NPDES permits MN0042536, MN0042579, and MN0054089, pursuant to section 505(a)(1)(A) of the Clean Water Act (CWA), 33 U.S.C. § 1365(a)(1)(A). You are hereby given notice that, upon the expiration of the sixty (60) day statutory waiting period, or sooner based upon violations of 33 U.S.C. § 1317(a), Notifiers will file a civil action in federal district court.

This lawsuit will allege that Cliffs Erie, LLC, a wholly owned subsidiary of Cleveland Cliffs, Inc., also known as Cliffs Natural Resources, Inc., and any successors in interest to the three permits mentioned herein, and collectively referred to hereafter as Cliffs Erie, have violated, continue to violate, and will continue to violate the CWA, and applicable state water pollution control laws, including but not limited to water quality standards.

Section 301 of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source into waters of the United States unless such discharge is permitted in a National Pollutant Discharge Elimination System (NPDES) permit. Many of Cliffs Erie’s discharges violate the NPDES permits issued pursuant to 33 U.S.C. § 1342, and the state authorized equivalents to the federal law, while other discharges are unpermitted and thus subject to the more general prohibitions of 33 U.S.C. §

1311(a).

I. Cliffs Erie, LLC-Hoyt Lakes Tailings Basin Area- NPDES MN0054089

As described in the permit, drainage from the northern portion of the tailings basin, including outfalls SD005 and SD002, flows to unnamed wetlands to Kaunonen and Trimble Creeks to the Embarrass River. Drainage from the far western portion of the tailings basin, including outfalls SD006, SD001 and SD004, flows to an unnamed creek and wetlands to the Embarrass River. The wetlands are class 2D, 3D, 4C, 5 and 6 waters. The creeks and river are class 2B, 3B, 4A, 4B, 5 and 6 waters. These waters are part of the Lake Superior watershed and eventually reach Lake Superior.

Surface water monitoring station SW003 (Site 3) is located on an unnamed tributary creek/wetland drainage to the Embarrass River, at the former DMIRR railroad grade bridge crossing in Section 36, Waasa Township. Monitoring stations SW004 and SW005 are located on the Embarrass River at the bridge crossings on County Road 620 (Salo Road, upstream of Spring Mine Creek) and Highway 135 in White Township, respectively.

Permit MN0054089 sets forth effluent standards and limitations for numerous pollutant discharges at multiple outfalls. Cliffs Erie is required by its permit to self-monitor and report the monitoring results on Discharge Monitoring Reports. According to its DMRs, Cliffs Erie has violated its permitted effluent standards and limitations for the following pollutants at the following outfalls:

1. Bicarbonates

The permit limit for Bicarbonates for all relevant outfalls is 305 mg/l on a calendar month average for at least the months of March, June, September and December each year. Cliffs Erie has violated the limit as follows:

SD001	2005-Mar	463	mg/L
SD001	2005-Sep	401	mg/L
SD001	2006-Sep	432	mg/L
SD001	2006-Dec	426	mg/L
SD001	2007-Mar	483	mg/L
SD001	2007-Sep	456	mg/L
SD001	2007-Dec	356	mg/L
SD001	2008-Mar	393	mg/L
SD001	2009-Sep	445	mg/L
SD002	2005-Mar	438	mg/L
SD002	2005-Jun	393	mg/L
SD002	2005-Sep	426	mg/L
SD002	2005-Dec	394	mg/L
SD002	2006-Mar	392	mg/L
SD002	2006-Jun	398	mg/L
SD002	2006-Sep	440	mg/L

SD002	2006-Dec	428	mg/L
SD002	2007-Mar	430	mg/L
SD002	2007-Jun	385	mg/L
SD002	2007-Sep	443	mg/L
SD002	2007-Dec	431	mg/L
SD002	2008-Mar	441	mg/L
SD002	2008-Jun	389	mg/L
SD002	2009-Mar	455	mg/L
SD002	2009-Jun	416	mg/L
SD002	2009-Sep	451	mg/L

SD004	2005-Mar	409	mg/L
SD004	2005-Jun	397	mg/L
SD004	2005-Sep	427	mg/L
SD004	2005-Dec	426	mg/L
SD004	2006-Mar	403	mg/L
SD004	2006-Jun	432	mg/L
SD004	2006-Sep	440	mg/L
SD004	2006-Dec	435	mg/L
SD004	2007-Mar	430	mg/L
SD004	2007-Jun	420	mg/L
SD004	2007-Sep	460	mg/L
SD004	2007-Dec	514	mg/L
SD004	2008-Mar	553	mg/L
SD004	2008-Jun	562	mg/L
SD004	2009-Mar	555	mg/L
SD004	2009-Sep	556	mg/L

SD006	2005-Mar	402	mg/L
SD006	2005-Sep	367	mg/L
SD006	2005-Dec	381	mg/L
SD006	2006-Mar	427	mg/L
SD006	2006-Jun	317	mg/L
SD006	2006-Sep	408	mg/L
SD006	2006-Dec	475	mg/L
SD006	2007-Mar	450	mg/L
SD006	2007-Sep	316	mg/L
SD006	2007-Dec	441	mg/L
SD006	2008-Mar	514	mg/L
SD006	2008-Jun	309	mg/L
SD006	2009-Mar	492	mg/L
SD006	2009-Jun	386	mg/L
SD006	2009-Sep	452	mg/L

2. Boron

The permit limit for Boron for outfall 004 is 500 mg/l on a calendar month average for at least the months of March, June, September and December each year. Cliffs Erie has violated the limit as follows:

SD004	2005-Jun	521	ug/L
SD004	2005-Sep	520	ug/L
SD004	2005-Dec	511	ug/L
SD004	2006-Mar	547	ug/L
SD004	2006-Dec	514	ug/L
SD004	2007-Mar	503	ug/L
SD004	2007-Dec	504	ug/L
SD004	2009-Mar	515	ug/L
SD004	2009-Sep	518	ug/L

3. Carbonate Hardness

The permit limit for Carbonate Hardness (as CaCo₃) for all relevant outfalls is 250 mg/l on a calendar month average for at least the months of March, June, September and December each year. Cliffs Erie has violated the limit as follows:

SD001	2005-Mar	626	mg/L
SD001	2005-Jun	367	mg/L
SD001	2005-Sep	485	mg/L
SD001	2005-Dec	408	mg/L
SD001	2006-Mar	463	mg/L
SD001	2006-Jun	400	mg/L
SD001	2006-Sep	499	mg/L
SD001	2006-Dec	584	mg/L
SD001	2007-Mar	818	mg/L
SD001	2007-Jun	292	mg/L
SD001	2007-Sep	495	mg/L
SD001	2007-Dec	548	mg/L
SD001	2008-Mar	597	mg/L
SD001	2008-Jun	303	mg/L
SD001	2009-Jun	304	mg/L
SD001	2009-Sep	445	mg/L
SD002	2005-Mar	422	mg/L
SD002	2005-Jun	417	mg/L
SD002	2005-Sep	443	mg/L
SD002	2005-Dec	379	mg/L
SD002	2006-Mar	357	mg/L
SD002	2006-Jun	456	mg/L
SD002	2006-Sep	425	mg/L
SD002	2006-Dec	441	mg/L

SD002	2007-Mar	439	mg/L
SD002	2007-Jun	401	mg/L
SD002	2007-Sep	429	mg/L
SD002	2007-Dec	433	mg/L
SD002	2008-Mar	475	mg/L
SD002	2008-Jun	404	mg/L
SD002	2009-Mar	455	mg/L
SD002	2009-Jun	416	mg/L
SD002	2009-Sep	451	mg/L
SD004	2005-Jun	494	mg/L
SD004	2005-Sep	637	mg/L
SD004	2005-Dec	692	mg/L
SD004	2006-Sep	671	mg/L
SD004	2006-Dec	650	mg/L
SD004	2007-Mar	703	mg/L
SD004	2007-Jun	651	mg/L
SD004	2007-Sep	717	mg/L
SD004	2007-Dec	828	mg/L
SD004	2008-Mar	838	mg/L
SD004	2008-Jun	871	mg/L
SD004	2009-Mar	555	mg/L
SD004	2009-Sep	556	mg/L
SD006	2005-Mar	494	mg/L
SD006	2005-Jun	340	mg/L
SD006	2005-Sep	488	mg/L
SD006	2005-Dec	476	mg/L
SD006	2006-Mar	520	mg/L
SD006	2006-Jun	371	mg/L
SD006	2006-Sep	514	mg/L
SD006	2006-Dec	629	mg/L
SD006	2007-Mar	617	mg/L
SD006	2007-Jun	323	mg/L
SD006	2007-Sep	375	mg/L
SD006	2007-Dec	585	mg/L
SD006	2008-Mar	670	mg/L
SD006	2008-Jun	408	mg/L
SD006	2009-Mar	492	mg/L
SD006	2009-Jun	386	mg/L
SD006	2009-Sep	465	mg/L

4. Dissolved Iron

The permit limits for Dissolved Iron (as FE) for all relevant outfalls are 1 mg/l on a calendar

month average and 2 mg/l for a calendar month maximum for at least the months of March, June, September and December each year. Cliffs Erie has violated the limits (specified below) as follows:

SD001	2005-Mar	1	2.56	mg/L
SD001	2005-Mar	2	2.56	mg/L
SD001	2005-Dec	1	1.3	mg/L
SD001	2006-Mar	1	1.5	mg/L
SD004	2005-Jun	1	2.82	mg/L
SD004	2005-Jun	2	2.82	mg/L
SD004	2005-Sep	1	3.47	mg/L
SD004	2005-Sep	2	3.47	mg/L
SD004	2005-Dec	1	3.7	mg/L
SD004	2005-Dec	2	3.7	mg/L
SD004	2006-Mar	1	2.87	mg/L
SD004	2006-Mar	2	2.87	mg/L
SD004	2006-Jun	1	2.57	mg/L
SD004	2006-Jun	2	2.57	mg/L
SD004	2006-Sep	1	2.45	mg/L
SD004	2006-Sep	2	2.45	mg/L
SD004	2006-Dec	1	2.92	mg/L
SD004	2006-Dec	2	2.92	mg/L
SD004	2007-Mar	1	2.76	mg/L
SD004	2007-Mar	2	2.76	mg/L
SD004	2007-Jun	1	2.51	mg/L
SD004	2007-Jun	2	2.51	mg/L
SD004	2007-Sep	1	2.68	mg/L
SD004	2007-Sep	2	2.68	mg/L
SD004	2007-Dec	1	2.84	mg/L
SD004	2007-Dec	2	2.84	mg/L
SD004	2008-Mar	1	4.14	mg/L
SD004	2008-Mar	2	4.14	mg/L
SD004	2008-Jun	1	4.61	mg/L
SD004	2008-Jun	2	4.61	mg/L
SD004	2009-Mar	1	6.44	mg/L
SD004	2009-Mar	2	6.44	mg/L
SD004	2009-Sep	1	6.23	mg/L
SD004	2009-Sep	2	6.23	mg/L

5. pH

The permit limit for pH for all relevant outfalls and surface water monitoring stations is no greater than 8.5 standard units and no less than 6.5 standard units as an instantaneous maximum for at least the months of March, June, September and December each year. Cliffs Erie has violated the limit as follows:

SW004 2008-Jun 6.1 SU

6. Specific Conductance

The permit limit for Specific Conductance, Field, for all relevant outfalls is 1000 umh/cm on a calendar month average for at least the months of March, June, September and December each year. Cliffs Erie has violated the limit as follows:

SD001	2005-Mar	1230	umh/cm
SD001	2005-Sep	1018	umh/cm
SD001	2005-Dec	1086	umh/cm
SD001	2006-Mar	1099	umh/cm
SD001	2006-Sep	1121	umh/cm
SD001	2006-Dec	1098	umh/cm
SD001	2007-Mar	1111	umh/cm
SD001	2007-Sep	1098	umh/cm
SD001	2007-Dec	1122	umh/cm
SD001	2008-Mar	1079	umh/cm
SD001	2009-Sep	1181	umh/cm
SD002	2005-Mar	1010	umh/cm
SD002	2005-Sep	1308	umh/cm
SD002	2005-Dec	1122	umh/cm
SD002	2006-Mar	1127	umh/cm
SD002	2006-Jun	1011	umh/cm
SD002	2006-Sep	1222	umh/cm
SD002	2006-Dec	1178	umh/cm
SD002	2007-Mar	1110	umh/cm
SD002	2007-Sep	1167	umh/cm
SD002	2007-Dec	1078	umh/cm
SD002	2008-Mar	1198	umh/cm
SD002	2008-Jun	1209	umh/cm
SD002	2009-Mar	1148	umh/cm
SD002	2009-Jun	1069	umh/cm
SD002	2009-Sep	1158	umh/cm
SD004	2005-Mar	1130	umh/cm
SD004	2005-Jun	1178	umh/cm
SD004	2005-Sep	1283	umh/cm
SD004	2005-Dec	1380	umh/cm
SD004	2006-Mar	1290	umh/cm
SD004	2006-Sep	1376	umh/cm
SD004	2006-Dec	1301	umh/cm
SD004	2007-Mar	1311	umh/cm
SD004	2007-Jun	1325	umh/cm

SD004	2007-Sep	1518	umh/cm
SD004	2007-Dec	1575	umh/cm
SD004	2008-Mar	1487	umh/cm
SD004	2008-Jun	1576	umh/cm
SD004	2009-Mar	1675	umh/cm
SD004	2009-Sep	1751	umh/cm
SD006	2005-Mar	1069	umh/cm
SD006	2005-Sep	1078	umh/cm
SD006	2005-Dec	1092	umh/cm
SD006	2006-Mar	1133	umh/cm
SD006	2006-Sep	1209	umh/cm
SD006	2006-Dec	1148	umh/cm
SD006	2007-Mar	1118	umh/cm
SD006	2007-Sep	1219	umh/cm
SD006	2007-Dec	1420	umh/cm
SD006	2008-Mar	1290	umh/cm
SD006	2009-Mar	1528	umh/cm
SD006	2009-Jun	1169	umh/cm
SD006	2009-Sep	1395	umh/cm

7. Turbidity

The permit limit for Turbidity for all relevant outfalls is 25 NTUs on a calendar month average for at least the months of March, June, September and December each year. Cliffs Erie has violated the limit as follows:

SD001	2005-Mar	28	NTU
SD004	2005-Mar	80	NTU
SD004	2005-Jun	29	NTU
SD004	2005-Sep	33.4	NTU
SD004	2006-Mar	38	NTU
SD004	2006-Dec	56.2	NTU
SD004	2007-Mar	25.9	NTU
SD004	2007-Dec	39.8	NTU
SD004	2008-Mar	49.2	NTU
SD004	2008-Jun	65.1	NTU
SD004	2009-Mar	89.3	NTU
SD004	2009-Sep	88.6	NTU

In addition to the specific limits violated as set forth above, Cliffs Erie has also generally violated the CWA and its permit in numerous other respects. For example, Cliffs Erie is violating the permit requirement that they not discharge toxics, including but not limited to aluminum and mercury. Notifierw believe and allege , based upon Cliffs Erie's own monitoring data that it is discharging toxics

via surface water discharges and ground water discharges that are hydrologically connected to nearby surface waters.

Cliffs Erie is also discharging through unpermitted point sources, including but not limited to seeps such as the “West Side Seep” and from the “emergency basin” identified in its NPDES permit. In addition, the LTVSMC Tailings Basin contributes both groundwater and surface water seepage that ultimately reaches the Embarrass River between monitoring stations PM-12 and PM-13. The LTVSMC Tailings Basin has had and likely continues to have at least 33 locations where tailings water seeps through the embankment to surface waters.

II. Cliffs Erie, LLC-Hoyt Lakes Mining Area-NPDES MN0042536

As described in the permit, the receiving waters for discharges associated with this facility are Second Creek, Wyman Creek, Spring Mine Creek, and unnamed tributaries to Partridge River/Colby Lake. These waters are part of the Lake Superior watershed and eventually reach Lake Superior.

Permit MN0042536 sets forth effluent standards and limitations for numerous pollutant discharges at multiple outfalls. Cliffs Erie is required by its permit to self-monitor and report the monitoring results on Discharge Monitoring Reports. According to its DMRs, Cliffs Erie has violated its permitted effluent standards and limitations for the following pollutants at the following outfalls:

1. pH

The permit limit for pH for all relevant outfalls and surface water monitoring stations is no greater than 8.5 standard units and no less than 6.5 standard units as an instantaneous maximum for at least the months of March, June, September and December each year. Cliffs Erie has violated the limit as follows:

SD012	2005-Jun	8.75
SD012	2005-Dec	8.7
SD012	2006-Sep	8.6
SD012	2008-Dec	8.56

2. Specific Conductance, Field

The permit limit for Specific Conductance, Field, for outfall SD026 is 1000 umh/cm on a calendar month average for each month of each year. Cliffs Erie has violated the limit as follows:

SD026	2005-Feb	1108
SD026	2005-May	1053
SD026	2005-Jul	1075
SD026	2005-Aug	1080
SD026	2005-Sep	1089
SD026	2005-Oct	1039

SD026	2005-Nov	1010
SD026	2005-Dec	1004
SD026	2006-Jan	1012
SD026	2006-Feb	1088
SD026	2006-Mar	1103
SD026	2006-May	1048
SD026	2006-Jun	1097
SD026	2006-Jul	1162
SD026	2006-Aug	1166
SD026	2006-Sep	1183
SD026	2006-Oct	1140
SD026	2006-Nov	1080
SD026	2006-Dec	1011
SD026	2007-Jan	1028
SD026	2007-Feb	1001
SD026	2007-Mar	1018
SD026	2007-May	1011
SD026	2007-Jul	1104
SD026	2007-Aug	1247
SD026	2007-Sep	1227
SD026	2007-Oct	1051
SD026	2007-Nov	1099
SD026	2007-Dec	1169
SD026	2008-Jan	1119
SD026	2008-Feb	1144
SD026	2008-Mar	1197
SD026	2008-Apr	1187
SD026	2008-Jul	1191
SD026	2008-Aug	1243
SD026	2008-Sep	1166
SD026	2008-Oct	1184
SD026	2008-Nov	1160
SD026	2008-Dec	1260
SD026	2009-Jan	1298
SD026	2009-Feb	1322
SD026	2009-Mar	1251
SD026	2009-Apr	1104
SD026	2009-Jun	1140
SD026	2009-Jul	1225
SD026	2009-Aug	1220
SD026	2009-Sep	1249

3. Temperature

The permit limit for Temperature for outfall SD012 is “not materially greater than” the

temperature (in degrees Fahrenheit) of the sample at the outfall compared with the simultaneously recorded temperature at reference point monitoring station SW007 for at least the months of March, June, September and December each year. Cliffs Erie has violated the permit limit as follows (represented in degrees Fahrenheit):

SD012	2005-Mar	0.1
SD012	2005-Jun	2.4
SD012	2005-Sep	2.8
SD012	2005-Dec	0.3
SD012	2006-Mar	0.4
SD012	2006-Jun	0.8
SD012	2006-Sep	0.1
SD012	2006-Dec	0.2
SD012	2007-Mar	0.5
SD012	2007-Jun	0.4
SD012	2007-Sep	0.2
SD012	2007-Dec	1.98
SD012	2007-Dec	1.98
SD012	2008-Mar	2.52
SD012	2008-Jun	1.044
SD012	2008-Sep	9.162
SD012	2008-Dec	3.6
SD012	2009-Mar	0.5
SD012	2009-Jun	4.3
SD012	2009-Sep	8.1

III. Cliffs Erie, LLC- Dunka Mining Area- NPDES MN0042579

As described in the permit, the receiving waters for discharges from the outfalls in this permit are Unnamed Creek, a tributary to Unnamed Creek ('Billiken Creek'), and a tributary to Birch Lake ('Flamingo Creek').

Permit MN0042579 sets forth effluent standards and limitations for numerous pollutant discharges at multiple outfalls. Cliffs Erie is required by its permit to self-monitor and report the monitoring results on Discharge Monitoring Reports. According to its DMRs, Cliffs Erie has violated its permitted effluent standards and limitations for the following pollutants at the following outfalls:

1. Dissolved Iron

The permit limit for Dissolved Iron (as FE) for the relevant outfalls is 1 mg/l on a calendar month average for at least the months of March, June, September and December each year. Cliffs Erie has violated the limit (specified below) as follows:

SD005	2007-Mar	1.24	mg/L
SD005	2009-Mar	1.82	mg/L

SD006	2007-Dec	1.44	mg/L
SD006	2008-Apr	1.05	mg/L
SD006	2008-Dec	1.02	mg/L

2. Toxicity

The permit requires (Chapter 1.3.1, page 15) additive acute toxicity value testing as a surrogate for specified metals copper, nickel and zinc at certain outfalls, including SD008 and SD009. The limits are based a calendar month maximum and are different depending upon the months of the year. Cliffs Erie has violated the permit limitations on at least the following occasions:

SD008	2007-Sep	1.5	4.25	toxunt
SD009	2008-Jun	1	1.08	toxunt
SD009	2008-Jul	1	1.2	toxunt

Notifiers believe and allege that a history of violations, similar in type and nature to the violations listed above, as well as reporting violations, and if different, are all related to improper construction, operation and maintenance of the Cliffs Erie facilities, and have continued from at least January 25, 2005, to the present. Further, Notifiers believe and allege, in part based upon the history of violations, that such discharges will continue or are reasonably likely to continue. Such violations are known to the Dischargers and may be included in future legal actions by Notifiers without further notice. Such discharges or reporting violations may only be known to Dischargers and eyewitnesses to be determined.

Notifiers intend, at the close of the sixty (60) day notice period, or sooner pursuant to violations of 33 U.S.C. § 1317(a), to file a citizen suit under Section 505 of the CWA against Cliffs Erie for the statutory maximum of \$37,500 per day for each violation stated above in addition to those which have occurred of which you are aware and those occurring subsequent to this letter, plus injunctive and remedial relief, costs, attorney and expert witness fees, and such other relief as may be appropriate.

The names, addresses and phone numbers of the persons giving Notice of Intent to Sue under the Clean Water Act are:

Center for Biological Diversity
 P.O. Box 710
 Tucson, AZ 85702-0710
 Tel: 520-623-5252

Save Lake Superior Association
 P.O. Box 101
 Two Harbors, MN 55616
 Tel: 218-834-6137

Indigenous Environmental Network
P.O. Box 485
Bemidji, MN 56619
Tel: 218-751-4967

Counsel for Notifiers are:

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Phone: (541) 344-8312
E-mail: charlie.tebbuttlaw@gmail.com

Marc Fink
Center for Biological Diversity
209 East 7th St.
Duluth, Minnesota 55805
Tel: 218-525-3884

Notifiers request that any person receiving this notice direct all inquiries to the undersigned legal counsel.

Sincerely,



Charles M. Tebbutt, Lead Counsel
Law Offices of Charles M. Tebbutt

Via Certified Mail, Return Receipt Requested

cc: Lisa P. Jackson, Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Bharat Mathur, Acting Regional Administrator
EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Paul Eger, Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

CT Corporations System, Inc.
Registered Agent for Cliffs Erie L.L.C.
100 S 5th Str #1075
Minneapolis, MN 55402

Polymet Mining Corp.
PO Box 475
6500 County Road 666
Hoyt Lakes, MN 55750