



## FOR IMMEDIATE RELEASE

Media Contact: Paula Maccabee, WaterLegacy Advocacy Director/Counsel  
(office) 651-646-8890 ; (cell) 651-775-7128

### MINNESOTA SUPREME COURT UPHOLDS GROUNDWATER PROTECTION – REVERSES DECISION PREVENTING CONTROL OF U.S. STEEL MINNTAC POLLUTION

**ST. PAUL, MINN., February 10, 2021** – The Minnesota Supreme Court [today issued a ruling](#) overturning a prior Minnesota Court of Appeals decision that held Class 1 standards drinking water standards did not apply to groundwater. As a result of today’s decision, the U.S. Steel Minntac tailings basin is *not* exempt from requirements to comply with the Class 1 standards for sulfate and salty pollution of groundwater. The Minnesota Supreme Court’s decision also ensures that other Class 1 drinking water standards – including standards that limit nitrates, arsenic, and many other toxic pollutants -- will continue to apply to limit pollution of Minnesota groundwater.

The Minnesota Supreme Court’s decision was based on petitions for review filed by WaterLegacy, the Fond du Lac Band of Lake Superior Chippewa, and the Minnesota Pollution Control Agency.

“The Minnesota Supreme Court decision today is a big win for Minnesota groundwater and for public health.” explained Paula Maccabee, Advocacy Director and Counsel for WaterLegacy. “Drinking water standards may now be enforced to control U.S. Steel’s Minntac tailings basin pollution, and U.S. Steel is not above the law. In addition, Minnesota standards to keep toxic chemicals out of drinking water – everything from nitrate to arsenic and lead – remain in place to protect groundwater across our state.”

Today’s Minnesota Supreme Court ruling also overturns a December 2019 Court of Appeals decision that pollution through groundwater to surface water is not regulated under the Clean Water Act. Since WaterLegacy and the Band appealed from that appeals court decision, the United States Supreme Court ruled in the case of *County of Maui v. Hawaii Wildlife Federation* that discharge through groundwater which is the “functional equivalent” of a direct discharge to surface must be regulated under the Clean Water Act. The MPCA must now apply this standard.

“The courts have now ruled in WaterLegacy’s favor on all three issues we appealed,” summarized Maccabee. “We hope that these rulings will finally result in pollution control after half a century of harmful pollution from the Minntac tailings basin. In addition, the ruling of the Minnesota Supreme Court today should help prevent both corporate scofflaws and weak permits as Minnesota evaluates toxic pollution from proposed sulfide mining projects, such as the controversial PolyMet sulfide mine.”

A copy of today's Minnesota Supreme Court decision on the U.S. Steel Mintac tailings basin permit is attached.

WaterLegacy is a Minnesota non-profit organization formed to protect Minnesota water and the communities that rely on them. More information can be found at [www.waterlegacy.org](http://www.waterlegacy.org).

\* \* \*