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COURT UPHOLDS DENIAL OF “SITE SPECIFIC” SULFATE STANDARD FOR HAY LAKE DOWNSTREAM OF U.S. STEEL KEETAC MINE POLLUTION *Minnesota Pollution Control Agency Decision Affirmed*

ST. PAUL, MINN., March 31, 2025 – Today, the Minnesota Court of Appeals issued a unanimous decision affirming the Minnesota Pollution Control Agency (MPCA) decision denying U.S. Steel a “site-specific” standard that would have been nearly eight times less stringent than Minnesota’s wild rice sulfate standard of 10 parts per million. U.S. Steel had appealed the MPCA’s decision, arguing that the MPCA was required to apply the equation rejected in administrative hearings in 2018, rather than analyzing recent literature and the condition of wild rice in Hay Lake.

WaterLegacy participated as an amicus curiae (friend of the court) in the case after its motion to intervene was denied. Another environmental group and 10 tribal governments also participated as friends of the court. WaterLegacy argued that Minnesota’s statewide wild rice sulfate standard applied to Hay Lake, that the law required proof that wild rice would be protected to secure a less stringent standard, and that MPCA’s decision was clearly supported by the science and the law.

WaterLegacy Executive Director and Counsel Paula Maccabee explained, “The Court’s ruling affirms that the MPCA is empowered to regulate pollution and protect wild rice. It feels great for WaterLegacy to be standing with the MPCA and sharing in the Agency’s victory today to protect wild rice and clean water.”

The Court of Appeals found that the MPCA’s position to deny a weaker standard for Hay Lake based on an equation was reasonable. The Court quoted MPCA’s statement that “recent concerns have emerged that suggest the degree of protection against sulfide that is afforded by iron may not be as great as originally conceived” and found that “[t]o the extent that the MPCA changed its position on whether the sediment-based equation is scientifically defensible, the MPCA provided a reasoned analysis for this change.”

Peer-reviewed literature has shown that elevated sulfate in the presence of iron does not protect wild rice, but instead results in plaques on the roots that block nutrition uptake. In addition, despite U.S. Steel’s claims that Hay Lake wild rice would be productive with a 79 parts per million standard, its own application demonstrated that wild rice in Hay Lake is impaired under current conditions, where sulfate is elevated to an average of 34 parts per million (lower sulfate than what U.S. Steel proposed). Illustrations from the literature and U.S. Steel’s application were included WaterLegacy’s Amicus Brief and are attached with this release.

University of Minnesota research confirmed that iron sulfide plaques formed on wild rice roots when rice was exposed to added sulfate and iron, resulting in “fewer and lighter seeds.”



Fig. 2. Sulfate-amended (left) and unamended (right) roots. (LaFond-Hudson *et al.*, 2018),

U.S. Steel’s application revealed that by September 2009 the wild rice “was very un-healthy and had virtually no seeds” and “was severely damaged (rotten) and appeared to be un-harvestable.”



U.S. Steel’s application also stated that by August 2011, “the majority of wild rice stands were found uprooted and dead in the water.”

