

▲ Support the Timberjay by making a donation. (/supportus/)

Welcome back! Log out My account



(/)

Serving Northern St. Louis County, Minnesota

Supreme Court denies U.S. Steel's request for review of sulfate ruling



(<https://beta.creativecirclecdn.com/timberjay/original/20250702-103055-1db-7.4%20Max%20and%20Eva%20in%20canoe.tif.jpg>)

Max Helmberger and Eva Felix-Monteith take a breath from paddling along a narrow stretch of Boga Lake in the BWCAW. The forest on both sides is recovering from the 2011 Pagami Creek burn.

M. HELMBERGER



Posted Wednesday, July 2, 2025 8:15 am

Marshall Helmberger

REGIONAL — The state's Supreme Court has denied a request by U.S. Steel to review a lower court ruling issued in April. That ruling had affirmed the decision by the Minnesota Pollution Control Agency to reject U.S. Steel's request for a "site-specific standard" that would have loosened sulfate discharge rules for the company's Keetac plant near Keewatin.

Back in 2014, U.S. Steel had sought a looser standard for sulfate discharges upstream of Hay Lake, a 25.2-acre lake known to have wild rice. Under Minnesota's wild rice rule, sulfate discharges are supposed to be limited to 10 milligrams per liter.

U.S. Steel had sought to allow a higher limit of 79 mg/l based on a now-abandoned proposal to variably determine sulfate standards based on iron levels in lake or stream sediments. The MPCA had proposed using the variable standard as part of a new rulemaking process several years ago but ultimately abandoned the method after new research suggested the approach lacked validity. In 2023, after years of inactivity on the request, the MPCA ultimately rejected U.S. Steel's request

for a looser sulfate limit, based on the variable standard calculation. U.S. Steel appealed that determination, arguing that the MPCA acted arbitrarily and capriciously in its decision, and that its determination was unsupported by evidence and was the result of legal error.

In their non-precedential ruling, a three-judge panel led by Judge JaPaul Harris rejected each of U.S. Steel's arguments in turn.

Given the court's longstanding deference to agency rulings in the absence of clear evidence to the contrary, the court ruled in the MPCA's favor.

"This record shows that MPCA applied a case-by-case, fact-specific analysis to fulfill its obligation to determine whether sufficient information was available to justify a site-specific modification [of its permit]."

Several environmental groups submitted "friend of the court" briefs in defense of the MPCA's position in the case. Not surprisingly, they hailed the April ruling, which will now stand given the Supreme Court's decision to deny review.

While environmental groups saw the ruling as a victory, the reality is that the Keetac plant has continued to violate its sulfate standard since requesting a looser rule more than a decade ago. According to Paula Maccabee, head legal counsel for Duluth-based Water Legacy, the plant's discharge has averaged about 34 mg/l of sulfate in recent years. "If you apply the real standard, they are violating the rule. But there has not been any enforcement action because this has been hanging out there," Maccabee said.

While the high court decision represents the end of the line for U.S. Steel's legal maneuvering, the company will almost certainly spend years negotiating with state regulators over a "schedule of compliance," an enforcement timeline which U.S. Steel operations have failed to meet in the past.

OTHER ITEMS THAT MAY INTEREST YOU

Freak accident leaves EMS supervisor facing long ... (/stories/freak-accident-leaves-ems-supervisor-facing-long-recovery,23229)

Health care officials assess impacts of Medicaid cuts (/stories/health-care-officials-assess-impacts-of-medicaid-cuts,23230)

Federal budget bill shifts SNAP costs to Minnesota ... (/stories/federal-budget-bill-shifts-snap-costs-to-minnesota-counties,23231)

Analysis: Federal bill to sharply raise Minnesota ... (/stories/analysis-federal-bill-to-sharply-raise-minnesota-electric-rates,23232)



[ADVANCED SEARCH \(/SEARCH.HTML\)](/SEARCH.HTML)