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WATERLEGACY WITHDRAWS OUTDATED PETITION TO REMOVE MINNESOTA AUTHORITY TO ISSUE WATER PERMITS FOR MINING

DULUTH, MINN., AUGUST 25, 2025 – WaterLegacy has withdrawn and voluntarily dismissed its July 2, 2015 Petition to the U.S. Environmental Protection Agency (EPA) to remove Minnesota’s delegated authority under the Clean Water Act to issue surface water pollution permits for mining facilities (Petition). WaterLegacy told the EPA this Friday in a brief letter that its decade-old Petition was outdated and “no longer accurately reflected” current conditions in Minnesota.

WaterLegacy Executive Director and Counsel Paula Maccabee explained, “Minnesota has made progress since 2015 to reduce barriers to enforcement of our water quality standards, including the wild rice sulfate standard. These standards protect Minnesota wild rice, support healthy aquatic life, and prevent toxic mercury contamination of fish.” She concluded, “The petition we filed a decade ago is simply out of date.”

Maccabee highlighted some of the changes since 2015 resulting from advocacy by WaterLegacy, Tribes, and environmental allies across Minnesota:

- Minnesota’s wild rice sulfate standard of 10 parts per million (mg/L) was upheld in rulemaking by an Administrative Law Judge and the Chief Judge.
- The Minnesota Court of Appeals and Minnesota Supreme Court have affirmed Minnesota’s obligation to enforce water quality standards—including the wild rice sulfate standard—to control mining pollution.
- Spurred by EPA oversight, the Minnesota Pollution Control Agency (MPCA) now lists waters that are impaired for wild rice production due to sulfate pollution. The MPCA has also developed a comprehensive database of wild rice waters.
- The EPA confirmed in a February 2022 letter to the MPCA that the Clean Water Act requires Minnesota to enforce its wild rice sulfate standard.
- MPCA relied on new peer-reviewed scientific research, as well as state and federal law, to deny a mining company’s request for a site-specific sulfate standard less protective than the wild rice standard.
- The Minnesota Court of Appeals upheld MPCA in denying a variance for sulfate pollution from mining and upheld MPCA in denying a site-specific sulfate standard. The Minnesota Supreme Court declined to review either decision.

Maccabee emphasized, “Minnesota is still a long way from controlling pollution from mine facilities. But we have a better legal roadmap to get where we need to go.”