

# **Fact Sheet: August 22<sup>nd</sup> Court Hearing**

## **What are Northern Iron's violations?**

The Northern Iron foundry, located on Forest Street and Phalen Boulevard, has been releasing lead and fine particulates into the air above the limits allowed by Minnesota law. Maps produced by the Minnesota Pollution Control Agency ("MPCA") show about one thousand households that are within the zone of the particulate matter violations.

In April 2024, the MPCA ordered Northern Iron to significantly reduce its operations and to use scrap metal that contains less lead. The MPCA determined that these steps were necessary to get Northern Iron's emissions down to the level required by law.

## **Why is this in court?**

Northern Iron requested the MPCA to adopt an "Alternative Compliance Plan" that would involve better pollution control equipment, instead of reduced operations. The MPCA denied that request. According to the MPCA, Northern Iron's modeling failed to demonstrate that those controls would sufficiently reduce emissions.

Northern Iron petitioned the Ramsey County District Court to revoke the MPCA's administrative order and allow Northern Iron to use its alternative plan instead.

## **What was the court's order?**

Civil proceedings usually take a long time, so the law allows judges to grant a "temporary injunction" that remains in place until the case can be fully decided. Northern Iron asked the court to allow the foundry to resume normal operations until the legal proceeding is resolved. The court granted that request. However, Northern Iron still must use scrap metal with a lower lead content. The judge also ordered Northern Iron to proceed with installing pollution control equipment.

The court has not made a final decision yet on any of the legal arguments in the case, including whether the MPCA's administrative order should be enforced.

## **What is a motion to dismiss?**

The MPCA is asking the court to dismiss Northern Iron's petition, arguing that the court lacks jurisdiction to grant Northern Iron's request for an alternative compliance plan. At its root, this argument is about the separation of powers between the branches of government. The MPCA argues that the Legislature, as the elected branch that writes laws, did not provide for regulated parties to propose their own methods of compliance or for a court to bypass the MPCA's order in favor of an alternative compliance plan.

If the court agrees, it will dismiss Northern Iron's petition, reinstating the MPCA's order. The court may take up to 90 days to issue a decision.