

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Notice of Intent to Revoke
without Reissuance Air Permit Number
12300088-003

**NOTICE AND ORDER FOR
PREHEARING CONFERENCE**

TO: Northern Iron,

Northern Iron (“Respondent”) IS HEREBY NOTIFIED that the Minnesota Pollution Control Agency (“MPCA”) has initiated this action concerning MPCA’s June 4, 2025 Notice of Intent to Revoke without Reissuance Air Emissions Permit No. 12300088-003 under Minnesota Rule 7007.1700, subparts 1(A)-(B).

IT IS HEREBY ORDERED that a prehearing telephone conference will be held on November 6, 2025 at 11:00 AM. The parties should call: (651) 395-7448, and enter conference code: 386 797 695# to enter the call. **All mail sent to the Administrative Law Judge should be directed to P.O. Box 64620, Saint Paul, Minnesota 55164-0602.**

The Chief Administrative Law Judge, Court of Administrative Hearings, has assigned this matter to the Honorable Jessica Palmer-Denig, Administrative Law Judge, Court of Administrative Hearings, 600 North Robert Street, Saint Paul, Minnesota, 55101. Judge Palmer-Denig’s legal assistant, Samantha Cosgriff, may be reached at (651) 361-7845; samantha.cosgriff@state.mn.us.

The hearing will be conducted pursuant to the hearing procedures set out in Minnesota Rules 1400.5010 – 1400.8401. A copy of these rules may be purchased from the Minnesota Book Store, telephone (651) 297-3000, or is available at www.revisor.leg.state.mn.us. Copies of the rules are also available at www.oah.state.mn.us.

The attorney for the MPCA, Ryan Petty, Assistant Attorney General, 445 Minnesota Street, Suite 600, Saint Paul, Minnesota 55101, telephone (651) 300-7828, may be contacted to discuss discovery or informal disposition of this matter.

ALLEGATIONS

In exchange for the privilege of emitting air pollutants through an air emissions permit issued by the Minnesota Pollution Control Agency, regulated parties are required to provide full disclosure to MPCA. Northern Iron, which operates a steel foundry in St. Paul, MN, has repeatedly refused to provide that legally mandated disclosure. And worse, Northern Iron has

repeatedly provided outright false and misleading information about its operations to MPCA.

Over the past several years, Northern Iron has established a history of filing late and deficient permit amendment applications and air emissions modeling, refusing to provide full disclosure, and failing to comply with its permit, regulatory requirements, and MPCA directives. Perhaps the most egregious issue concerns MPCA's permitting requirement for Northern Iron to conduct a building capture study. The purpose of the study was to evaluate underlying assumptions in Northern Iron's air emissions modelling, which assumed that Northern Iron's foundry was adequately sealed and not leaking emissions into the surrounding residential community. When it came time for Northern Iron to conduct the study in February 2025, its consultant let slip to MPCA's on-site staff that this was the *second* study he had performed for the company, the first being in November 2024. MPCA appropriately required Northern Iron to provide information concerning these undisclosed November 2024 measurements. Instead of producing the information as it was legally required to do, Northern Iron refused under an improper claim of privilege. When Northern Iron later submitted its building capture report for the February 2025 study, the report stunningly omitted failures that MPCA staff observed during the study's implementation. Months later, when Northern Iron finally provided two pages of consultant's notes from the November 2024 measurements, the results conclusively showed that Northern Iron knew it had failed to achieve building capture in violation of an Administrative Order and representations it made in permitting.

Given Northern Iron's failure to disclose information relevant to the issuance of a permit, submission of false and misleading information, and long-standing non-compliance issues and refusal to resolve that non-compliance, MPCA initiated this proceeding to revoke Northern Iron's permit without reissuance. While such revocation of a permit is rare, Northern

Iron's disregard for the law and its intransigence with MPCA as its regulator is extraordinary and warrants this action.

I. NORTHERN IRON OPERATES A FOUNDRY IN SAINT PAUL AND MADE UNDISCLOSED CHANGES TO ITS FACILITY

1. Northern Iron is a Limited Liability Company that operates a scrap iron foundry (the Foundry) facility located at 867 Forest Street, Saint Paul, MN. The Foundry has been operating since 1906.

2. MPCA issued Northern Iron an air emissions permit on January 31, 2003, a major permit amendment on January 7, 2004, and an administrative permit amendment on July 15, 2008.

3. Northern Iron's permit contains various requirements. One requirement is that Northern Iron cannot make changes to the Foundry that would result in an increase in the regulated pollutant PM₁₀ (particulate matter less than 10 microns in diameter) unless Northern Iron could demonstrate through modeling that the Foundry would not cause or contribute to an exceedance of the National Ambient Air Quality Standards (NAAQS).

4. NAAQS are national standards that limit the air concentration of certain pollutants in ambient air. NAAQS are established by the Environmental Protection Agency (EPA). There is one NAAQS for PM₁₀ and two NAAQS for PM_{2.5}. The EPA cautions that PM can "cause serious health problems. Some particles less than 10 micrometers in diameter can get deep into your lungs and some may even get into your bloodstream. Of these, particles less than 2.5 micrometers in diameter, also known as fine particles or PM_{2.5}, pose the greatest risk to health."¹

5. On August 4, 2020, MPCA initiated a permit reopening for Northern Iron based, in part, on issues with hood² certifications and potential changes made to the Foundry. On February 24, 2021, MPCA issued an Alleged Violation Letter to Northern Iron. Northern Iron responded to the alleged violations between March and April 2021. On February 1, 2022, MPCA inspected the Foundry and identified several pieces of equipment not operating within the permitted levels.

6. Throughout the permit reopening process, MPCA discovered that Northern Iron had made numerous changes to the Foundry over the previous 15 years. Some of these changes required a major permit amendment that Northern Iron failed to seek.

¹ U.S. EPA, *Particulate Matter (PM) Basics*, <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics>.

² A hood is a piece of control equipment that collects emissions and routes them to other appropriate control equipment. A hood certification ensures that the hoods are functioning correctly, and that Northern Iron's modeling, which relies on such hoods functioning correctly, is accurate.

7. MPCA issued Northern Iron a Notice of Violation on April 13, 2022, documenting the violations identified during the permit reopening process. Ex. A. The Notice of Violation required Northern Iron to submit a major permit amendment application within 60 days that would include all changes made to the Foundry since January 7, 2004. The Notice of Violation also required Northern Iron to submit multiple hood certifications, including certifications already required under its current air permit but not provided, as well as certifications for control equipment installed without a permit amendment since January 7, 2004.

8. Northern Iron submitted a major permit amendment application on June 21, 2022, but that application was incomplete due to missing information. Northern Iron resubmitted the application on August 15, 2022, but again that application was incomplete due to missing information. Northern Iron then re-submitted the application again on September 2, 2022, and at this point the application was complete enough for processing

9. In August 2022, Specialty Metals Holdco, DBA The Lawton Standard Co. (Lawton) purchased Northern Iron.

II. MPCA AND NORTHERN IRON ENTER INTO THE STIPULATION AGREEMENT TO RESOLVE SPECIFIC ALLEGED VIOLATIONS AND TO REQUIRE CERTAIN CORRECTIVE ACTIONS

10. Northern Iron and MPCA then entered into negotiations to resolve the outstanding violations at that time. The result was a Stipulation Agreement executed on July 14, 2023. Ex. B. The Stipulation Agreement states that its purpose is “to resolve the alleged violations set out in Part 6 of this Agreement.” Ex. B at Part 2.

11. The Stipulation Agreement in Part 8 required Northern Iron (identified as the Regulated Party) to take certain corrective actions. Among those requirements are:

- 8(a): Within 30 days after executed date of this Agreement, the Regulated Party shall submit a plan to ensure initial and annual hood evaluations are completed on time.
- 8(b): Within 60 days after the executed date of this Agreement, the Regulated Party shall submit a complete hood evaluation and certification form (CR-02) for EQUI 41 and 42.
- 8(c): Within 150 days after the executed date of this Agreement, the Regulated Party shall submit a complete hood evaluation and certification form (CR-02) for 63, 64, 67, 82, 83, 85, 86, 87, 89, 90, 115, 118, unless baghouse replacement is determined to be needed then the Regulated Party shall provide notification for replacement. Then within 120 days after submittal of the notification for replacement, the Regulated Party shall submit an application to MPCA for a major permit amendment for replacement of the baghouse. If Northern Iron proceeds with replacement of the baghouse, certifications for EQUI 63, 64, 67, 82, 83, 85, 86, 89, 90, and 115 shall be submitted within 60 days of startup.

- 8(d): Within 30 days of the executed date of this Agreement, the Regulated Party shall submit a complete major permit amendment application
- 8(i): Starting on the executed date of this agreement, the Regulated Party shall keep track of its daily operating hours for the following activities: furnace melting operation, metal casting operations, and metal finishing operations. In addition to operating hours the Regulated Party shall also track production throughput for the furnace melting and metal casting operations. The Regulated Party shall submit this information in a report by the 30th day of the month for the previous month until termination of the order by email to Dan Dietrich or his designee.
- 8(l): Within 30 days of the executed date of this Agreement, the Regulated Party shall submit a complete administrative amendment application for an ownership change.

12. If Northern Iron failed to comply with any requirement in Part 8 of the Stipulation Agreement, Northern Iron agreed in Part 9 to pay a penalty of \$1,000 per requirement for each day of failure. If MPCA assessed such stipulated penalties, it would send a penalty incurrence letter to Northern Iron, and Northern Iron could initiate dispute resolution under Part 12 of the Stipulation Agreement. In dispute resolution, Northern Iron could only contest the factual basis of the stipulated penalty and waived its right to challenge the legal basis that it be required to pay any stipulated penalties.

13. The Stipulation Agreement's dispute resolution procedures, which are limited to disputes "that arise as to any part of the Agreement," are laid out in Part 12. To initiate dispute resolution, Northern Iron is required to send to MPCA's Case Contact "a written statement setting forth the matter in dispute, the position of the party, and the information the party is relying upon to support its position." Both parties must then meet and confer within 10 days. "If the parties do not reach a resolution of the dispute and reduce such resolution to writing in a form agreed upon by the parties within 21 calendar days after the MPCA received the statement of position from the Regulated Party, the Commissioner shall issue a written decision resolving the dispute." The Commissioner of MPCA may delegate such a decision under statute. *See* Minn. Stat. § 116.03, subd. 2; Minn. R. 7000.0850.

14. Under Part 10 of the Stipulation Agreement, MPCA agreed "not to exercise any administrative, legal, or equitable remedies available to MPCA to address the violations alleged and described in Part 6 and in the April 13, 2022, MPCA Notice of Violation issued to the Regulated Party as long as the Regulated Party performs according to and has complied with the terms and conditions contained in this Agreement." So, first, the Stipulation Agreement did not restrict MPCA's ability to exercise its regulatory powers for any other reason outside of the specific violations alleged in Part 6. Second, if Northern Iron failed to comply with any term of the Stipulation Agreement, MPCA could exercise its regulatory powers even for the violations alleged in Part 6.

III. NORTHERN IRON REPEATEDLY FAILS TO PRODUCE MODELING THAT DEMONSTRATES COMPLIANCE WITH THE NAAQS IN VIOLATION OF ITS PERMIT

15. On March 26, 2023, MPCA and Northern Iron met and discussed the need for modelling for NAAQS compliance. Northern Iron represented that its operations were safe and that it had a model that demonstrated compliance. As described above, Northern Iron’s permit requires modeling to demonstrate compliance with the NAAQS, independent of the Stipulation Agreement.

16. In October 2023, Northern Iron submitted a modeling protocol to MPCA. That protocol, however, was unacceptable and MPCA provided a statement of deficiencies and required resubmittal in late November. Northern Iron then resubmitted the protocol based on its current equipment, which MPCA deemed acceptable on January 5, 2024. Under the Stipulation Agreement, including a brief extension granted by MPCA, Northern Iron’s modeling results were due February 19, 2024.

17. Northern Iron’s modeling results showed substantial exceedances of the NAAQS. MPCA and Northern Iron met to discuss the results on March 7, 2024. One week later, Northern Iron provided two additional modeling scenarios, neither of which showed compliance with the NAAQS. MPCA then required Northern Iron to submit a new model that included whatever restrictions were necessary to demonstrate compliance with the NAAQS.

IV. NORTHERN IRON CAN ONLY DEMONSTRATE COMPLIANCE WITH THE NAAQS UNDER OPERATIONAL RESTRICTIONS THAT IT REFUSES TO ADOPT, AND SO MPCA ISSUES AN ADMINISTRATIVE ORDER INCORPORATING THOSE RESTRICTIONS

18. Northern Iron submitted a new model on March 22, 2024, that included, among other things, operational reductions such as a reduction in material processing to 10 tons per day. This new model demonstrated compliance with the NAAQS. At the time, however, Northern Iron had been operating at about 25 tons per day – two and a half times the rate that Northern Iron’s model represented would comply with the NAAQS.

19. MPCA then offered to amend the Stipulation Agreement to include a 10-ton-per-day material processing restriction, along with the other operation reductions described in Northern Iron’s model. Northern Iron rejected this offer.

20. To protect public health, MPCA issued an Administrative Order on April 16, 2024, which incorporated those operational restrictions because those were the only operations under which Northern Iron had modeling demonstrating compliance with the NAAQS.

21. On May 15, 2024, Northern Iron sued MPCA in Ramsey County District Court seeking to rescind the Administrative Order (AO) and to temporarily enjoin certain operational restrictions in the AO.

22. There are several requirements of the AO, however, that Northern Iron did not seek to enjoin. One requirement is that Northern Iron “shall maintain 100% building capture.” Northern Iron was further required to “seal all vents, ensure windows remain closed, and ensure that all entrances stay closed when not in immediate use.” The building capture

requirement ensures that emissions produced in the Foundry are all routed through appropriate control equipment and not vented into the surrounding residential neighborhood. Northern Iron affirmatively represented to the Ramsey County District Court on July 10, 2024, that had “already complied” with the 100 % building capture requirement and “can continue to comply with” the requirement.

23. One other requirement of the AO that Northern Iron did not seek to enjoin is the requirement that Northern Iron “shall submit a monthly report to the MPCA for the amount of metal melted each day of operation,” which is due by the 15th day of each month for the previous month.

24. On July 11, 2024, the Ramsey County District Court granted a preliminary injunction as to certain operational restrictions in the AO. Ex. D. The court did not enjoin the building capture or reporting requirements. The court further required Northern Iron to submit a complete revised major permit amendment application with supporting modeling no later than September 13, 2024.

V. MPCA ASSESSED STIPULATED PENALTIES TO NORTHERN IRON FOR VIOLATION OF THE STIPULATION AGREEMENT

25. On October 10, 2024, MPCA issued stipulated penalties to Northern Iron for violations of the Stipulation Agreement. Ex. E. The penalties fell into three categories.

26. The first group of violations was failure to submit reports by the 30th of each month:

Northern Iron failed to submit monthly reports required by Part 8i of the Stipulation Agreement on time. The monthly reports are required to be submitted by the 30th day of the month for the previous month. The monthly report for April 2024 was due by May 30, 2024, and was submitted on May 31, 2024. Penalties began accruing on May 31, and \$1,000 has been assessed for the report being submitted one day late. The monthly report for May 2024 was due by June 30, 2024, and was submitted on July 10, 2024. Penalties began accruing on July 1, and \$10,000 has been assessed for the report being submitted 10 days late

27. The second group of violations was failure to track daily operating hours for furnace melting operation:

Northern Iron failed to track daily hours of operation for the furnace melting operation required by Part 8i of the Stipulation Agreement. On July 17, 2024, the MPCA sent a Request for Information to Northern Iron. On July 19, 2024, Northern Iron submitted a response to the RFI and the following statement was provided by Northern Iron: “The melt records for Mondays include metal melted on Sunday evening and Monday.” Northern Iron did not record furnace melting operation hours on Sundays, nor did it provide that information in any of the monthly reports submitted per the Stipulation Agreement. Penalties began accruing on the first Sunday after the executed date (July 14, 2023) of

the Stipulation Agreement, and have been assessed for every Sunday through the most recent monthly report for August 2024 that was submitted on September 13, 2024. Fifty nine (59) Sundays have accrued in that time period and \$59,000 has been assessed for failing to record daily furnace melting operations that have occurred on Sundays.

28. The third group of penalties was for failure to submit a major permit amendment application:

Northern Iron failed to submit a Major Permit Amendment Application required by Part 8c of the Stipulation Agreement on time. On December 15, 2023, Northern Iron submitted a notification as required by Part 8c of the Stipulation Agreement of Northern Iron's intent to submit a Major Permit Amendment Application to replace a baghouse, within 120 days. The Major Permit Amendment Application was due by April 13, 2024, a Saturday. The Major Permit Amendment Application was not submitted on Monday April 15, 2024, the next business day after the weekend. Penalties began accruing on April 16, 2024, and \$149,000 has been assessed until Northern Iron's submittal of a Major Permit Amendment Application on September 10, 2024. Northern Iron remains responsible for completing all corrective actions listed in the Stipulation Agreement on time.

29. MPCA granted Northern Iron an extension to challenge the third group of penalties, and the parties met and conferred on November 25, 2025. MPCA also agreed to allow Northern Iron to submit supplemental information by December 5, 2024.

30. The Commissioner, through authority delegated to Director of Industrial Division Courtney Ahlers-Nelson, issued her final written decision on December 30, 2024. Ex. F. In her Final Written Decision, the Commissioner affirmed Northern Iron's requirement to pay stipulated penalties at \$1,000 per day per violation. The Commissioner also affirmed each violation but reduced the second group penalty by \$1,000 to account for a holiday week in which Northern Iron was closed, and exercised her discretion in reducing the third group penalty by \$60,000 for the time between when the Ramsey County District Court issued its temporary injunction and when Northern Iron submitted its major permit amendment application.

31. Northern Iron then moved to amend its supplemental petition in the litigation against MPCA to add a challenge to the Final Written Decision. In doing so, Northern Iron improperly characterized the stipulated penalties under the Stipulation Agreement as an administrative penalty order. The Ramsey County District Court did not decide whether to grant the motion, and instead stayed the case on June 10, 2025, to allow this revocation proceeding to occur.

VI. NORTHERN IRON SUBMITS AN INCOMPLETE MAJOR PERMIT AMENDMENT APPLICATION AND MPCA REQUIRES NORTHERN IRON TO CONDUCT TESTING TO VERIFY ASSUMPTIONS IN NORTHERN IRON'S MODELING

32. On September 10, 2024, Northern Iron submitted a major permit amendment application. Three days later, MPCA determined that Northern Iron's application was incomplete because it lacked necessary information, including information related to Northern Iron's modeling data and assumptions.

33. On September 16, 2024, Northern Iron re-submitted its major permit amendment application, which MPCA deemed administratively complete on September 26. Administrative completeness only means that an application has sufficient information for MPCA to begin its substantive review of the application.

34. In reviewing Northern Iron's major permit amendment application, MPCA determined that additional information and testing was required to confirm certain underlying assumptions in Northern Iron's modeling. Ex. G. Namely, on October 17, 2024, MPCA identified inconsistencies in Northern Iron's modeling protocol and results. MPCA also informed Northern Iron that it would be required to conduct a building capture study and stack testing to resolve the uncertainties in Northern Iron's modeling.

35. For the building capture plan, Northern Iron was required to submit a plan to MPCA by November 1, 2024 to show how Northern Iron would verify that the Foundry was achieving 100% building capture of emissions vented inside the building as depicted in the model Northern Iron submitted on September 10, 2024. After MPCA approved the plan, Northern Iron was required to implement the building capture plan by November 29, 2024 and demonstrate that the building is capturing internally vented emissions.

36. For the stack testing plan, Northern Iron was required to submit a plan to MPCA no later than November 29, 2024. "The plan shall include procedures to test at the following stacks (and pollutant(s)): STRU A (PM2.5, lead), STRU B (PM2.5, lead), STRU 12 (PM2.5, lead), STRU 13 (PM2.5, lead), STRU 35 (PM2.5, lead), STRU 40 (PM2.5, lead), STRU 49 (PM2.5, lead)." After MPCA approved the plan, Northern Iron was required to conduct the stack testing by December 31, 2024 and submit the results to MPCA by February 14, 2025.

37. October 28, 2024, Northern Iron informed MPCA that it would not timely submit a building capture plan. Ex. H. Northern Iron instead stated it would submit a building capture plan by December 2, 2024.

38. MPCA responded on November 14, 2024. Ex. I. MPCA extended the deadline for Northern Iron to submit the building capture plan to December 2, 2024. MPCA reaffirmed that the stack testing plan was due November 29, 2024. If MPCA deemed the stack testing plan unacceptable, Northern Iron would have to submit a revised plan within 10 calendar days. Northern Iron would then have to submit the stack testing results within 45 days, and no extensions would be granted given Northern Iron's history of delays. If Northern Iron required more than three MPCA stack test plan reviews, MPCA informed Northern Iron it could deny

the major amendment application and refer Northern Iron for MPCA compliance and enforcement.

39. Northern Iron submitted a building capture plan on December 2, 2024, a revised building capture plan three days later, and a stack test plan on November 27, 2024.

40. Northern Iron's building capture plan was developed by a third party consultant, Stantec. Ex. J. To evaluate whether Northern Iron was achieving 100% building capture, Stantec would evaluate 41 draft openings "to determine whether negative pressure values of at least 0.007 inches of water and an inward flow of air are present." Stantec would then provide a final report documenting the initial readings. To ensure that Northern Iron would maintain building capture, Northern Iron would also have Stantec install three permanent pressure differential monitors within 30 days of plan approval.

41. On December 9, 2024, MPCA approved the building capture plan. Northern Iron was therefore required to implement the plan within 30 days, by January 8, 2025.

42. Also on December 9, 2024, MPCA rejected the stack test plan and identified multiple changes that were required in a revised stack test plan. Ex. K. In particular, MPCA required Northern Iron to test for PM_{2.5} filterable and PM condensable at the tested stacks. MPCA also required Northern Iron to estimate the minimum detection levels for all stacks at the Foundry.

VII. NORTHERN IRON HAS AN UNEXPLAINED FIRE AT ITS FACILITY AND SUBMITS DEFICIENT STACK TEST PLANS

43. On December 19, 2024, Northern Iron informed MPCA that a fire broke out in a newly installed piece of control equipment (TREA 48). Ex. L. Northern Iron stated that it believed a filter or cartridge within the control unit overheated and caught fire. Northern Iron did not explain, however, why the cartridge or filter overheated.

44. In that letter, Northern Iron stated it would submit a revised stack test plan by January 10, 2025. Northern Iron claimed that it had to delay submission of a stack testing plan due to the fire at the Foundry. That justification, however, did not make sense because the fire occurred at equipment and a stack (STRU 40) that was not set to be tested by the stack testing.

45. MPCA required a revised stack testing plan to be submitted by February 12, 2025, and that the building capture study be implemented and submitted to MPCA by February 19, 2025.

46. Northern Iron submitted a revised stack test plan on February 12, 2024, but that plan was again deficient. MPCA identified that Northern Iron had still failed to provide estimates of minimum detection levels for all stacks, and the detection limits that were submitted were insufficient for verifying the proposed emissions. Ex. M. In particular, the minimum detection rates would have to be below the proposed emission rates to demonstrate that the modeled compliance with the NAAQS were accurate.

VIII. NORTHERN IRON FAILED TO DISCLOSE THAT IT CONDUCTED BUILDING CAPTURE MEASUREMENTS IN NOVEMBER 2024 AND FAILED TO IMPLEMENT ITS BUILDING CAPTURE PLAN AS APPROVED BY MPCA

47. On February 13, 2025, MPCA staff inspected Northern Iron and accompanied the implementation of the building capture plan. During the inspection, MPCA staff identified multiple space heaters being used in the building that had seemingly not been included in Northern Iron's major permit amendment application. These space heaters were likely being used to keep the foundry warm during the winter months, and unlike residential space heaters, are large industrial equipment that burn liquid fuel and thus produce emissions.

48. During the implementation of the building capture plan, MPCA staff observed at least one draft opening failed building capture, saw that several draft openings that were set to be tested had instead been sealed off, and found that the negative pressure alarms had not been installed.

49. Most concerningly, the consultant informed MPCA that this was the second time he had been out to conduct building capture measurements, the last time being November 8, 2024. Northern Iron had never disclosed to MPCA that it had conducted building capture measurements before. Those measurements would have shown whether, in November 2024, Northern Iron was maintaining 100% building capture as it had previously represented to MPCA and the Ramsey County District Court. MPCA staff demanded on site that Northern Iron produce all documentation from the November 8, 2024 building capture measurements.

50. The next day, MPCA sent Northern Iron a request for information. Ex. N. MPCA required the information below to be submitted within 4 calendar days.

- Submit copies of all information related to the November 8, 2024, building capture plan analysis and Stantec site visit. This includes, but is not limited to, handwritten or electronic field notes, reports, and all correspondence and communications to and from Stantec.
- Submit all information related to the February 13, 2025, building capture study and Stantec site visit. This includes, but is not limited to, handwritten or electronic field notes, reports, and all correspondence and communications to and from Stantec.
- Submit confirmation that all insignificant activities required to be listed under Minn. R. 7007.1300, are included in the most recent certified permit application submitted to the MPCA.
- Identify the total number of fueled space heaters at the facility, the total heat input capacity for each space heater [in British thermal unit (Btu) per hour], fuel type, the combined total heat input capacity of all space heaters at the facility (in Btu per hour), if the space heaters are direct or indirect, the annual potential to emit calculations [carbon monoxide, nitrogen dioxide, total particulate matter, particulate matter less than 10 μm in size (PM10), and volatile organic compounds (VOCs)] in an

editable/unlocked electronic spreadsheet for each space heater, and the date of installation of each space heater.

- Submit documentation that verifies the negative pressure values of at least 0.007 inches of water and an inward flow of air are present at door locations D41, D42, D43, and D44 as identified in the Building Capture Plan, Attachment 1, submitted to the MPCA on December 5, 2024.
- Submit documentation that three pressure differential monitors have been installed, have been calibrated, and are operating on the east, west, and south walls of the facility. During the February 13, 2025 inspection, MPCA noted that the pressure differential monitors for the east and south walls needed to be relocated.

51. Instead of producing the information required, Northern Iron maintained that any documentation from the November 8, 2024 building capture measurements was privileged or protected attorney work product. Ex. O. Northern Iron similarly asserted privilege over documents related to the February 13, 2025 building capture study that MPCA attended. But the engagement agreement with Stantec produced by Northern Iron makes no mention of confidentiality, privilege, legal advice litigation, or work product. Ex. P. While the engagement agreement was signed by Brian Bell of Dorsey & Whitney, he signed the letter on behalf of Northern Iron and the agreement was directed to Chief Administrative Officer of Northern Iron, Tierney Grutza. The engagement agreement also confirms that Stantec, not Northern Iron's attorneys, was to prepare the building capture plan.

52. Concerning the information related to the space heater, Northern Iron's February 18, 2025 response was that it "is collecting this information and will provide it to MPCA as soon as it is able."

53. On February 19, 2025, Northern Iron submitted its building capture report. The next day, MPCA rejected the report for multiple reasons. Ex. Q. First, Northern Iron failed to implement the plan within the 30 days required. Second, 10 openings that were to be tested under the approved plan were omitted. Northern Iron did not submit a revised plan, and MPCA had not approved foregoing testing for those openings.³ Third, measurements from openings D37-44 were not identified in the report even though MPCA staff observed that measurements in these areas were taken. This was particularly concerning since MPCA staff observed failures during the site visit. But every failing result was excluded from the report. Fourth, the report failed to identify that the permanent pressure differential monitors were not functioning or calibrated during the site visit. Fifth, one of the monitors was not installed in the correct location.

IX. MPCA NOTIFIES NORTHERN IRON OF SIGNIFICANT OUTSTANDING PERMITTING DEFICIENCIES

54. On March 6, 2025, MPCA sent Northern Iron a letter detailing its significant outstanding permitting deficiencies. Ex. R. MPCA noted that the "failure of Northern Iron to

³ During the inspection, MPCA only approved for two draft openings not to be tested.

provide timely and full information necessary to process its permit application has already greatly delayed the permitting process” and that many of the items had been “outstanding for months.”

55. First, on building capture data, MPCA noted that Northern Iron “has a duty of candor and full disclosure if it wants a permit to emit hazardous air pollutants.” In rejecting Northern Iron’s unfounded claim of privilege, MPCA explained that “Northern Iron cannot screen basic engineering information or filter damaging test results by having a lawyer hire a consultant instead of Northern Iron to conduct mandatory testing of Northern Iron’s permit.” That was “especially true here, where Northern Iron itself has submitted some information from the consultant and is now refusing to produce all the information.” Accordingly, “for MPCA to complete its permitting analysis and conduct its regulatory authorities, Northern Iron must submit all information related to 100% building capture . . . including, but not limited to, all information related to Northern Iron’s November 8, 2024, and February 13, 2025 site visits.” Northern Iron would also have to conduct the building capture plan as approved by MPCA and submit a revised report with all required tested openings.

56. Second, on the stack testing plan, MPCA noted it already had to reject two deficient plans submitted by Northern Iron. MPCA was also surprised that Northern Iron was not planning to test for total PM_{2.5} given Northern Iron undisputedly emits condensable PM_{2.5}. Northern Iron had been required to submit its new revised plan by February 24 but failed to meet that deadline.

57. Third, MPCA identified deficiencies in hood certifications. A hood certification ensures that hoods used to control emissions are functioning correctly, and that Northern Iron’s modeling, which relies on such hoods functioning correctly, is accurate. Northern Iron was required to submit hood certifications under the Stipulation Agreement and for permitting. Namely, Northern Iron confirmed in December 2023 that it would produce hood certifications by April 2024 for EQUIs 64, 67, 82, 86, and 90. While Northern Iron submitted a hood certification for EQUI 67, MPCA determined that the hood flow air measurements did not meet design requirements and thus the certification was deficient. Northern Iron was also required to submit hood certifications for EQUIs 54, 55, and 56 with its major permit amendment application in September 2024, but had still not yet produced them.

58. Fourth, and finally, given the multiple, long-standing deficiencies in permitting documents signed by Northern Iron’s CAO Tierney Grutza, MPCA required Northern Iron to sign future permitting submissions by Northern Iron’s CEO Alex Lawton as the responsible official.

59. MPCA warned Northern Iron that failure to provide the required information could result in revocation of its permit under Minnesota Rule 7007.1700. MPCA gave Northern Iron until March 27, 2025 to provide the information.

60. Northern Iron submitted responses on March 27 and April 1, 2025. The March 27 response included a revised stack test plan purportedly incorporating MPCA’s requirements “[t]o the extent feasible.” But notably, the minimum detection level was still higher than the modeled emissions of the facility meaning that the stack test plan could not verify the emissions

in Northern Iron's modeling. The revised stack test plan would therefore not meet MPCA's requirements.

61. Northern Iron refused to have Alex Lawton certify submissions to MPCA as the responsible official.

62. Northern Iron also submitted a new major permit amendment application and modeling on March 27 and April 1, 2025 that removed EQUIs 54, 55, 56, 62, 68, 69, 70, 82, 86, and 90. Northern Iron stated it would not submit hood certifications for these hoods and failed to explain why it had failed to do so.

63. On April 24, 2025, MPCA confirmed that Northern Iron's submissions remained deficient. Ex. S. In particular, Northern Iron was still refusing to produce all information concerning building capture data and failed to implement the building capture plan as approved by MPCA. MPCA identified the outstanding deficiencies and gave Northern Iron until 4:30 PM on May 8, 2025, otherwise MPCA would initiate permit revocation proceedings. Specifically, MPCA's letter required:

- Northern Iron must provide all information related to building capture. To that end, the MPCA previously identified specific information on February 14, 2025 that still has not been produced, including, but not limited to, all information related to Northern Iron's November 8, 2024, and February 13, 2025, building capture evaluations. If Northern Iron continues to refuse to produce compliance information related to whether it was maintaining 100 percent building capture, the MPCA has no choice but to assume that Northern Iron was not complying with the 2024 Administrative Order for months.
- March 27, 2025, was the third time a stack testing plan has been submitted and determined to be deficient. An updated plan must include a detailed description of which equipment will be operating and the respective operating parameters including detailed throughput rates that will be recorded during the tests. Critically, the updated plan must have detection limits for PM 2.5 and lead that are lower than the emission limits included in the air dispersion modeling to verify compliance.
- Northern Iron was not in compliance with its current 2008 permit that requires hood certifications on certain pieces of equipment, and also is not in compliance with the July 14, 2023 Stipulation Agreement. Specifically, Part 8, item C of the Stipulation Agreement required hood evaluations and certification forms be submitted to the MPCA. On August 11, 2023, Northern Iron informed the MPCA that this would be completed. To date, the MPCA had not received completed hood evaluations and certifications for EQUIs 64, 67, 82, 86, and 90. These hood certifications must be submitted to the MPCA.
- In addition, Northern Iron was required to submit hood certifications for EQUIs 54, 55, 56 with its permit application in September 2024 and Northern Iron failed to provide these certifications with its September 2024 permit application. On February 6, 2025, MPCA reiterated that these hood certifications had not been produced. Instead of producing these three hood certifications which were integral to its September 2024

application, on March 27, 2025, Northern Iron sent a letter stating that it would not be submitting these required hood certifications but rather would be submitting yet another new permit application. To date, Northern Iron has not produced hood certifications for EQUIs 54, 55, and 56, nor has it provided any explanation why it submitted an incomplete application in September 2024.

- Please provide the basis for why Northern Iron had not provided all of the above hood certifications for EQUIs 64, 67, 82, 86, 90, as well as for EQUIs 54, 55, and 56 prior to its March 27, 2025 letter. If Northern Iron is unable to certify any of the above hoods, please identify the date on which Northern Iron made that determination and the basis for that determination. Given Northern Iron's obligations under its permit, Stipulation Agreement, and Minnesota law, it is extremely concerning that Northern Iron submitted multiple permit applications relying on hood certifications that it now refuses to produce.
- Finally, Northern Iron has repeatedly submitted incomplete documentation and failed to provide required information. The MPCA is therefore requiring that the highest official at Northern Iron certify that all the information requested above has been provided and is complete. *See* Minn. Stat. 116.07, Subd. 4a, Minn. R. 7007.0800, Subp. 1. We understand that Alex Lawton is the CEO of Northern Iron and/or its owner The Lawton Standard Co., and therefore his signature is required.

64. Concerning Alex Lawton's role as CEO of Northern Iron, in litigation between Northern Iron and MPCA, Northern Iron denied in response to a request for admission⁴ that Alex Lawton was an officer of Northern Iron. Northern Iron also denied that Tierney Grutza was an officer of Northern Iron. Ms. Grutza had also repeatedly signed submissions to the court as the CAO of Lawton Standard, not Northern Iron. However, in a later class action litigation brought against Northern Iron by a plaintiff asserting tort claims for alleged emissions, Northern Iron told the court that Northern Iron and Lawton Standard had the same officers. That statement was in direct conflict with Northern Iron's request for admission responses in its litigation with MPCA. Northern Iron ultimately changed its request for admission responses in the litigation with MPCA, admitting that Alex Lawton and Tierney Grutza are officers of Northern Iron. Northern Iron did not explain why it had previously represented to MPCA that Alex Lawton and Tierney Grutza were not officers of Northern Iron.

X. NORTHERN IRON'S BELATED AND MINIMAL DISCLOSURE REVEALS THAT IT KNEW IT FAILED TO ACHIEVE 100% BUILDING CAPTURE AND FAILED TO DISCLOSE THAT TO MPCA

65. On May 8, 2025, Northern Iron responded to MPCA's April 24, 2025 letter. Ex. S. In its response, Northern Iron produced only one document—two pages of a consultant's notes from the November 8, 2024 site visit—while asserting privilege over all other information. Those consultant's notes shockingly revealed that over a dozen openings tested

⁴ MPCA served the requests for admission because Northern Iron was seemingly asserting privilege over communications that involved both Northern Iron and Lawton Standard, even though those companies are legally distinct for the purposes of attorney-client privilege.

in November 2024 had failed to achieve 100% building capture. The notes also revealed that several windows were broken.

66. Based on the consultant's notes, it was clear that Northern Iron knew by at least November 2024 that it had failed to achieve 100% building capture and failed to disclose this information to MPCA. Northern Iron submitted modeling in September 2024 and January 2025 that assumed Northern Iron was maintaining 100% building capture. The information that Northern Iron failed to disclose showed that those representations in permitting were false or misleading. The information also showed that Northern Iron knew it was in violation of the Administrative Order but failed to disclose that violation to MPCA.

67. MPCA and Northern Iron met on May 16, 2025 to discuss Northern Iron's outstanding deficiencies. MPCA sent a letter on May 19, 2025 documenting those deficiencies. Ex. U.

68. Instead of remedying those deficiencies, Northern Iron sent another letter on May 28, 2025. Ex. V. In that letter, Northern Iron refused to provide a report that included the openings in the building capture plan approved by MPCA and did not explain why it had made changes to the plan since it was approved. Northern Iron also refused to provide all information related to the November 8, 2024 and February 13, 2025 site visits, asserting privilege even though it had produced information over which it previously improperly asserted privilege.

69. Concerning hood certifications, Northern Iron maintained it was not required to submit them anymore and that in "mid-February 2025, the permitting team concluded not to include the remaining hoods in the permit application[.]" Northern Iron did not explain, however, why it had made that determination, as MPCA's letter required.

XI. MPCA ISSUES ITS NOTICE OF INTENT TO REVOKE WITHOUT REISSUANCE NORTHERN IRON'S AIR PERMIT

70. In light of Northern Iron's continued refusal to provide information necessary for permitting and continued non-compliance with permitting requirements and the AO, on June 4, 2025, MPCA provided Northern Iron a Notice of Intent to Revoke without Reissuance Air Permit Number 12300088-003 under Minn. R. 7007.1700, subps. 1(A)-(B). Ex. W. In the Notice, MPCA identified the long-standing correspondence between the parties that references Northern Iron's extensive permitting deficiencies and repeated refusals to provide information necessary for permitting. MPCA further noted that it "cannot confidently say that [Northern Iron] will achieve and maintain compliance with any air permit." Accordingly, MPCA was providing its notice of intent to revoke Northern Iron's air permit because "there exists at the permitted facility unresolved noncompliance with applicable requirements or a condition of the permit and the permittee refuses to undertake an enforceable schedule of compliance to resolve the noncompliance" and because "the permittee has failed to disclose fully the facts relevant to issuance of the permit or submits false or misleading information to the agency or the administrator."

71. Under Minnesota Rule 7007.1700, subpart 2, Northern Iron had 30 days to request a contested case hearing, which it timely did on June 30, 2025.

72. MPCA provided the notice of the Intent to Revoke to the Ramsey County District Court, and the court stayed the litigation between Northern Iron and MPCA on June 10, 2025 to “allow both parties to focus their resources on the appeal of the permit revocation rather than litigating simultaneously in different forums.”

XII. NORTHERN IRON INITIATED DISPUTE RESOLUTION ON ALLEGED VIOLATIONS OF THE STIPULATION AGREEMENT, WHICH MPCA COMPLIED WITH AND AFFIRMED THE VIOLATIONS

73. In an apparent attempt to prevent MPCA from regulating Northern Iron, on June 4, 2025, Tierney Grutza emailed Peter Tester, Deputy Commissioner of MPCA, the following:

“Pursuant to Part 12 of the July 2023 Stipulation Agreement, Northern Iron submits this Initiation of the Dispute resolution procedures as provided in the July 2023 Settlement Agreement. The Notice of Intent to Revoke dated June 4, 2025 states that the MPCA seeks revocation based on violations of the July 2023 Settlement Agreement. Northern Iron denies any violations. Northern Iron would like to discuss the specific allegations of noncompliance and the support for said allegations. Please provide a date within the next 10 days when you are available to meet, as the Agreement requires. Northern Iron’s counsel and I will make ourselves available at your convenience.”

74. Northern Iron and MPCA met and conferred pursuant to the Stipulation Agreement on June 13, 2025. At the meet and confer, MPCA identified alleged violations of the Stipulation Agreement by Northern Iron, as Northern Iron requested in its notice of dispute, including failure to timely make a variety of submittals required under the Agreement and failure to submit complete documentation. Ex. X. Specifically, MPCA identified the following violations:

- Part 8(a): Northern Iron did not follow its plan to ensure initial and annual hood evaluations are completed on time.
- Part 8(b): Northern Iron did not timely submit hood certifications for EQUIs 41 and 42.
- Part 8(c): Northern Iron did not submit complete hood certifications for EQUIs 64, 67, 82, 86, and 90.
- Part 8(f): Northern Iron did not timely submit a complete major permit amendment application.
- Part 8(g): Northern Iron did not timely submit a modeling protocol.
- Part 8(i): Northern Iron did not timely submit accurate reports on operations.
 - This violation was already addressed in the October 2024 Penalty Incurrence Letter and December 2024 Final Written Decision.

- Part 8(l): Northern Iron did not submit a complete administrative amendment for an ownership change.

75. MPCA had not assessed stipulated penalties for any of these violations apart from those for Part 8(i) that were already addressed in the October 2024 Penalty Incurrence Letter and December 2024 Final Written Decision.

76. MPCA agreed to provide Northern Iron until June 20, 2025, to submit supplemental information concerning the alleged violations discussed at the meet and confer. Instead of submitting supplemental information, however, on June 20, 2025, Northern Iron through counsel stated the following, Ex. Y:

The parties met on June 13, 2025. Rather than discussing the alleged violations alluded to in the Notice, the MPCA focused on alleged violations generally and would not specify which, if any, of the alleged violations were those referenced in the Notice. Additionally, the MPCA refused to engage with Northern Iron regarding the MPCA's violation of the Dispute Resolution provisions and Part 10, Covenant Not to Sue, of the Stipulation Agreement by issuing the Notice for alleged violations of the July 2023 Stipulation Agreement.

Pursuant to the Stipulation Agreement, the MPCA must give Northern Iron notice of alleged violations underlying the Notice pursuant to the Dispute Resolution procedures and, most certainly, prior to issuance of any Notice.

For these and the above-referenced reasons, Northern Iron believes that the MPCA is in violation of the July 2023 Stipulation Agreement and should retract its Notice as the allegations relate to the July 2023 Stipulation Agreement

77. Pursuant to the Stipulation Agreement, the Commissioner, whose authority she delegated to Deputy Commissioner Peter Tester, issued a Final Written Decision resolving the dispute on June 26, 2025. Ex. X. The Commissioner concluded that MPCA had complied with the meet and confer requirements, including the scope of the dispute as noticed by Northern Iron. The Commissioner also rejected Northern Iron's reliance at the meet and confer on the doctrine of impossibility. The Commissioner noted that under the doctrine of impossibility, Northern Iron was required to prove that no one could have complied with the terms of the Stipulation Agreement, including the requirement to timely submit hood certifications. But Northern Iron had failed to even make this argument, much less provide any evidence that this was the case. Accordingly, the Commissioner affirmed each of the alleged violations of the Stipulation Agreement.

XIII. NORTHERN IRON FAILED TO DISCLOSE FULLY THE FACTS RELEVANT TO ISSUANCE OF ITS PERMIT AND SUBMITTED FALSE OR MISLEADING INFORMATION TO MPCA

78. Under Minnesota Rule 7007.1700. subpart 1(B), MPCA may revoke a permit without reissuance where "the permittee fails to disclose fully the facts relevant to issuance of the permit or submits false or misleading information to the agency or the administrator."

79. As described above, Northern Iron has failed to fully disclose facts relevant to issuance of its permit and has submitted false and misleading information to MPCA.

80. To approve any permit or permit amendment, MPCA “must” make an affirmative finding that it “anticipates that the applicant will, with respect to the stationary source and activity to be permitted, comply with all conditions of the permit” and that the conditions of the permit provide for compliance with applicable air emissions laws. R. 7007.1000, subps. 1(E)-(G). As relevant here, this specifically requires Northern Iron to: abide by its duty of candor with MPCA (Minn. R. 7000.0300), provide information regarding its operations (Minn. Stat. § 116.091), adequately support its modeled emissions (Minn. R. 7017.2020), and comply with orders of MPCA (Minn. Stat. §§ 115.071, 116.072; Minn. R. 7007.1000, subp. 2(B)). Information concerning a regulated party’s operations, emissions, modeling, representations in permitting, and compliance with administrative orders is relevant to the issuance of a permit.

81. First, Northern Iron failed to fully disclose the facts concerning its building capture measurements. Northern Iron repeatedly refused, and continues to refuse, to provide all information concerning the November 2024 and February 2025 building capture measurements. Northern Iron has not produced, for example, communications with its consultant Stantec, all notes and record from all site visits, or explanations of what changes, if any, were made to the facility in response to such measurements, including when and why. Northern Iron’s conduct is particularly concerning as it has repeatedly hired environmental consultants through attorneys in an apparent attempt to improperly shield harmful or damaging information from MPCA. While Northern Iron can withhold information from MPCA based on privilege, that does not entitle Northern Iron to obtain a permit when such information is required by MPCA to comply with its own statutory obligations in permit review. Nor can Northern Iron’s assertion of privilege trump its duty of candor to MPCA as a regulated party seeking to emit hazardous air pollutants.

82. Second, Northern Iron has refused to fully disclose the facts concerning hood certifications. Northern Iron submitted multiple permit amendment applications and modeling that relied on certain hoods being certified. Northern Iron also represented that it would produce certain hood certifications to MPCA. When MPCA requested those hood certifications, Northern Iron instead submitted a new permit amendment application that remove those hoods and asserted it no longer needed to produce the hood certifications. That is despite the fact that Northern Iron has been operating for years with those hoods that it refuses to now certify. When MPCA requested an explanation for why Northern Iron was no longer relying on those hoods despite doing so in multiple permit amendment applications and modeling, Northern Iron refused to answer.

83. Northern Iron also submitted false or misleading information to MPCA.

84. First, Northern Iron submitted false or misleading information concerning building capture measurements. It was false or misleading for Northern Iron to submit a permit amendment application and modeling in January 2025 that assumed 100% building capture when Northern Iron knew in November 2024 that it had failed to achieve 100% building capture. It was also false or misleading for Northern Iron to submit a building capture report

that omitted openings that MPCA staff observed fail and omitted openings that MPCA had approved to be tested. It was also false or misleading for Northern Iron to submit a building capture report that omitted that required permanent pressure monitors were not functioning or calibrated at the time of the inspection.

85. Northern Iron also submitted false or misleading information concerning its operations. During the February 2025 inspection, MPCA staff observed numerous industrial space heaters that Northern Iron was required, but failed, to disclose in its previous permit amendment applications. Moreover, for over a year, Northern Iron submitted monthly reports affirmatively stating that it was not conducting metal melting operations on Sundays. However, Northern Iron later disclosed to the Ramsey County District Court that it was in fact melting metal and operating its furnaces on Sundays in violation of its representations to MPCA.

86. Northern Iron also submitted false or misleading information concerning its ownership. In two separate administrative amendment applications, Northern Iron disclosed that its sole owner was Tierny Grutza. Northern Iron later conceded to MPCA, however, that its sole owner was and had been Specialty Metals Holdco, DBA The Lawton Standard Co.

XIV. THERE EXISTS AT NORTHERN IRON UNRESOLVED COMPLIANCE WITH APPLICABLE REQUIREMENTS OR A CONDITION OF ITS PERMIT, AND NORTHERN IRON HAS REFUSED TO UNDERTAKE AN ENFORCEABLE SCHEDULE OF COMPLIANCE TO RESOLVE THE NONCOMPLIANCE

87. Under Minnesota Rule 7007.1700. subpart 1(A), MPCA may revoke a permit without reissuance where “there exists at the permitted facility unresolved noncompliance with applicable requirements or a condition of the permit, and the permittee refuses to undertake an enforceable schedule of compliance to resolve the noncompliance.”

88. Northern Iron has unresolved noncompliance with applicable requirements and conditions of its permit.

89. First, Northern Iron’s permit requires it to demonstrate compliance with the NAAQS through modeling. Northern Iron was required by MPCA to conduct a building capture study and stack testing to evaluate assumptions underlying its modeling. Northern Iron failed to conduct the building capture plan as approved by MPCA and repeatedly failed to submit an approvable stack testing plan. Because Northern Iron failed to confirm the assumptions underlying its modeling, as required by MPCA, Northern Iron failed to demonstrate compliance with the NAAQS through modeling.

90. Second, Northern Iron is required to complete performance testing when requested by MPCA. Minn. R. 7017.2020, subp. 1(A). Performance testing is an applicable requirement. Minn. R. 70007.0100, subp. 7. Northern Iron was required by MPCA to conduct a building capture study and stack testing to evaluate assumptions underlying its modeling. Northern Iron failed to conduct the building capture plan as approved by MPCA and repeatedly failed to submit an approvable stack testing plan.

91. Northern Iron has also refused to undertake an enforceable schedule of compliance to resolve the noncompliance.

92. Northern Iron has refused to undertake an enforceable schedule concerning modeling and performance testing. Northern Iron has refused to provide information concerning its building capture measurements and has refused to implement the building capture plan as approved by MPCA. Northern Iron has also refused to submit an approvable stack testing plan containing the information required by MPCA.

93. More broadly, any schedule of compliance would likely not be enforceable, given Northern Iron's history of non-compliance, refusal to abide by MPCA directives, repeated deficiencies in permitting submissions, and withholding of information it is required to disclose.

ISSUES

1. Whether Northern Iron failed to disclose fully the facts relevant to issuance of the permit or submitted false or misleading information to the MPCA?

2. Whether there exists at Northern Iron unresolved noncompliance with applicable requirements or a condition of the permit, and Northern Iron has refused to undertake an enforceable schedule of compliance to resolve the noncompliance?

ADDITIONAL NOTICE

1. Respondent's failure to appear at the hearing or any prehearing conference may result in a finding that Respondent is in default, that the MPCA's allegations contained in this Notice and Order may be accepted as true, and its proposed action may be upheld.

2. If any party has good cause for requesting a delay of the hearing or any prehearing conference, the request must be made in writing to the Administrative Law Judge at least five days prior to the scheduled date. A copy of the request must be served on the other party.

3. Any party intending to participate as a party in this proceeding must file a Notice of Appearance form and return it to the Administrative Law Judge within 20 days of the date of service of this Notice and Order. A copy must be served on the MPCA's attorney. A Notice of Appearance form is enclosed.

4. All parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. The parties are entitled to the issuance of subpoenas to compel witnesses to attend the hearing. The parties will have the opportunity to be heard orally, to present evidence, cross-examine witnesses, and submit evidence and argument. Ordinarily the hearing is tape recorded. The parties may request that a court reporter record the testimony at their expense.

5. Persons attending the hearing should bring all evidence bearing on the case including any records or other documents. Be advised that if data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2.

6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at <http://mn.gov.oah/> or by calling (651) 361-7900.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.

8. The Court of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court.

9. A Guide to Participating in Contested Case Proceedings at the Court of Administrative Hearings is available at <http://mn.gov/oah/> or by calling (651) 361-7900.

10. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the administrative law judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Courts of Administrative Hearings, P.O. Box 64620, St. Paul, Minnesota, 55164-0620, or call (651) 361-7900.

Dated: October 3, 2025

Frank L. Kohlasch

This document has been electronically signed

Frank L. Kohlasch

Assistant Commissioner

Minnesota Pollution Control Agency

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Notice of Intent to Revoke
without Reissuance Air Permit Number
12300088-003

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE THAT:

1. The Respondent named below will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Respondent acknowledges that he has read and agrees to the terms of the Court of Administrative Hearings' e-Filing policy and chooses to opt into receiving electronic notice from the Court of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**⁵

3. The Respondent acknowledges receipt of the Minnesota Pollution Control Agency's Notice of Appearance, as e-filed with the Court of Administrative Hearings, listing the email address for MPCA and its legal counsel.

Respondent's Name: _____
Email: _____ Telephone: _____
Mailing Address: _____

Respondent's Attorney: _____
Firm Name: _____
Email: _____ Telephone: _____
Mailing Address: _____

Dated: _____

Signature of Respondent or Attorney

⁵ In order to opt in to receive electronic notice from the Court, this form must be **emailed** to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Court of Administrative Hearings via facsimile, U.S. Mail, or personal service. *See* 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2015).