

# Court of Appeals Rules Favorably on PolyMet Water Permit

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MPCA to conduct "Maui" test

St. Paul, January 24, 2022 - The Minnesota Court of Appeals today affirmed nearly all aspects of the water discharge permit for the NorthMet Project, overruling six of the seven challenges to the permit made by mining opponents, according to Poly Met Mining, Inc., a wholly owned subsidiary of [PolyMet Mining Corp.](#) (TSX: POM) (NYSE American: PLM) (together "PolyMet" or the "company").

The Court of Appeals affirmed virtually every aspect of PolyMet's permit at issue. In particular, the court endorsed the district court's factual findings regarding the Minnesota Pollution Control Agency's (MPCA) and the Environmental Protection Agency's interactions during the permitting process; agreed with MPCA's application of state law governing groundwater discharges; upheld the agency's conclusion that PolyMet's project has no reasonable potential to violate water quality standards; agreed with MPCA's finding that PolyMet's project will not violate the Fond du Lac Band's water quality standards; and affirmed the agency's denial of mining opponents' requests for a contested case hearing.

In its decision the panel concluded that the MPCA should still consider whether "any discharges to groundwater will be the functional equivalent of a discharge to navigable waters, and thus, whether the Clean Water Act applies to those discharges." The Court remanded the permit to the MPCA to conduct this functional-equivalence analysis, which the U.S. Supreme Court established in *County of Maui v. Hawaii Wildlife Fund*, a new precedent set more than a year after PolyMet's permit was issued.

"We are pleased that we have prevailed on the majority of the issues and the court has narrowed the case to just this single issue regarding Maui, where considerable scientific data already exists," said Jon Cherry, chairman, president and CEO. "MPCA has already determined there is not a permissible discharge to groundwater and we are optimistic the agency will reach the same conclusion from the Maui test. This will mean a little more process, but it gives us a clear roadmap to the reactivation of this permit," Cherry said.

The NorthMet mine will feed the mineral supply chain to meet the growing global demand for copper, nickel, cobalt and other metals needed for the U.S. and global transition to clean energy technologies such as solar and wind farms, battery storage and electric mobility, Cherry said. Most of the known resources of nickel and cobalt in the U.S. are found in Minnesota according to the U.S. Geological Survey.

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## About PolyMet

PolyMet is a mine development company that owns 100% of the NorthMet Project, the first large-scale project to have received permits within the Duluth Complex in northeastern Minnesota, one of the world's major, undeveloped mining regions. NorthMet has significant proven and probable reserves of copper, nickel and palladium - metals vital to infrastructure improvements and global carbon reduction efforts - in addition to marketable reserves of cobalt, platinum and gold. When operational, NorthMet will become one of the leading producers of nickel, palladium and cobalt in the U.S., providing a much needed, responsibly mined source of these critical and essential metals.

Located in the Mesabi Iron Range, the project will provide economic diversity while leveraging the region's established supplier network and skilled workforce and generate a level of activity that will have a significant effect in the local economy. For more information: [www.polymetmining.com](http://www.polymetmining.com).

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PolyMet Disclosures

This news release contains certain forward-looking statements concerning anticipated developments in PolyMet's operations in the future. Forward-looking statements are frequently, but not always, identified by words such as "expects," "anticipates," "believes," "intends," "estimates," "potential," "possible," "projects," "plans," and similar expressions, or statements that events, conditions or results "will," "may," "could," or "should" occur or be achieved or their negatives or other comparable words. These forward-looking statements may include statements regarding the ability to receive environmental and operating permits, job creation, and the effect on the local economy, or other statements that are not a statement of fact. Forward-looking statements address future events and conditions and therefore involve inherent known and unknown risks and uncertainties. Actual results may differ materially from those in the forward-looking statements due to risks facing PolyMet or due to actual facts differing from the assumptions underlying its predictions.

PolyMet's forward-looking statements are based on the beliefs, expectations and opinions of management on the date the statements are made, and PolyMet does not assume any obligation to update forward-looking statements if circumstances or management's beliefs, expectations and opinions should change.

Specific reference is made to risk factors and other considerations underlying forward-looking statements discussed in PolyMet's most recent Annual Report on Form 40-F for the fiscal year ended December 31, 2020, and in our other filings with Canadian securities authorities and the U.S. Securities and Exchange Commission.

The Annual Report on Form 40-F also contains the company's mineral resource and other data as required under National Instrument 43-101.

No regulatory authority has reviewed or accepted responsibility for the adequacy or accuracy of this release.

To view the source version of this press release, please visit <https://www.newsfilecorp.com/release/111376>

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