



August 30, 2024

Minnesota Pollution Control Agency  
c/o Emily Schnick  
520 Lafayette Rd N  
Saint Paul, MN 55155

RE: 3M Chemical Operations (Cottage Grove) - Wastewater Permit

To Whom It May Concern:

The National Waste and Recycling Association (NWRA) – Minnesota Chapter appreciates the opportunity to comment on the draft wastewater permit for the 3M Chemical Operations (Cottage Grove) Facility. NWRA is specifically concerned with the proposed compliance limits for PFHxS (2.1 ng/L), PFOA (2.1 ng/L), and PFOS (2.2 ng/L) outlined in the draft permit to the extent that these limits will serve as precedent for future wastewater permits discharging to Pool 2 of the Mississippi, such as the Metropolitan Council’s Metro and Empire Wastewater Treatment Plants (WWTPs). These facilities receive a large portion of the landfill leachate generated in Minnesota, and the proposed compliance limits in the draft permit are not reasonably achievable even with the most state-of-the-art PFAS removal technologies for landfill leachate.

NWRA members own and operate many land disposal facilities (landfills) across the state. Our facilities provide essential services to the residents and businesses of Minnesota by safely and responsibly disposing of various waste streams including Municipal Solid Waste (MSW), Construction & Demolition debris (C&D), Industrial Waste, and MSW Incinerator Ash. Our members’ facilities have been and will continue to be part of the solution to the PFAS problem and how we get these chemicals out of the environment and managed in the safest ways possible. Along with WWTPs, our facilities are passive receivers of media containing PFAS that are ubiquitous in the water supply, wastewater treatment process, stormwater, biosolids management, and solid waste streams. Each of our sectors is interdependent: landfills rely on wastewater treatment facilities for their leachate discharge while water and wastewater treatment facilities depend on landfills and compost facilities for wastes from the treatment of wastewater including biosolids management and disposal of spent water filtration systems.

NWRA is concerned that the unintended consequences of these precedent-setting limits will result in WWTPs refusing to accept landfill leachate and/or mandating compliance limits that are unachievable. Furthermore, NWRA renews our request that special regulatory consideration needs to be given to landfills and WWTPs, since these facilities are not creating or using PFAS, but simply are passive receivers tasked with managing these materials in the safest and most



responsible manner. A recent [MPR News article discussing the 3M permit](#) underscores our concerns. In it, Carly Griffith, a water program director with the nonprofit Minnesota Center for Environmental Advocacy, called the draft permit “a very important milestone and step forward **that will set a precedent statewide for other industrial and municipal wastewater permits.**” We implore the Agency to clarify 1) that the limits in the permit are specific to 3M and what this exact facility can achieve and 2) that these limits will not be applied to other PFAS receivers such as WWTPs and landfills which cannot meet them with even the most state-of-the-art treatment technologies.

It is also important to highlight that documented levels of PFOS and PFOA that greatly exceed the limits established in the draft permit have been found in rainwater and the atmosphere (see attached Cousins, et al study). Rainwater and snow precipitation are the basis media with which leachate is generated. Even if the rainwater were not to come into contact with the waste in the landfill, the rainwater would still need to be treated to meet the compliance limits. Some recognition and consideration of this issue also needs to be taken into account when developing future permit limits.

NWRA again is appreciative of this opportunity to comment. We strongly support efforts to cease the manufacture and production of PFAS and remove these chemicals from products whenever feasible. However, even the product bans in Minnesota will not be implemented until 2032, which leaves our landfills as critically necessary infrastructure to safely manage new and legacy PFAS waste streams for decades to come.

NWRA member facilities are a significant part of the solution to Minnesota’s PFAS issues, and we look forward to continuing to work cooperatively with the MPCA.

Sincerely,

A handwritten signature in blue ink that reads "Amber L. Backhaus".

Amber L. Backhaus  
Legislative Counsel  
NWRA – MN Chapter