

February 3, 2025

Minnesota Pollution Control Agency
c/o Sarah Starr
520 Lafayette Road North
Saint Paul, Minnesota 55155

VIA SMART COMMENT



Re: Minnesota Center for Environmental Advocacy's Comments on 3M Chemical Operations Cottage Grove Updated Draft Wastewater Permit

Minnesota Center for Environmental Advocacy ("MCEA") submits these brief comments on the updated draft wastewater permit for 3M Chemical Operations in Cottage Grove (the "Updated Draft Permit"). Our comments concern three changes the Minnesota Pollution Control Agency ("MPCA") made to the Updated Draft Permit in response to issues raised in comments from 3M, the Environmental Protection Agency ("EPA"), and members of the public.

I. MPCA Should Reinstate Final Effluent Limits and Monitoring for PFHxA

One of the most significant changes in the Updated Draft Permit is the elimination of effluent limits and a relaxation of monitoring for PFHxA. The previous permit required the facility to limit discharges of PFHxA to specified levels, and to collect weekly 24-hour flow composite samples for this contaminant. The Updated Draft Permit scraps the effluent limitations for PFHxA entirely and only requires 3M to perform monthly monitoring. In the fact sheet accompanying the Updated Draft Permit, MPCA purports to justify its elimination of the effluent limitations by concluding that 3M does not have the reasonable potential to cause an exceedance of the site-specific criteria of 11,000 ng/L "because the discharger has never reported a value above the site-specific criteria of 11,000 ng/L." But this logic is flawed. Whether the facility's discharge has a reasonable potential to cause a violation of a site-specific water quality criteria does not simply turn on whether a prior discharge has exceeded a site-specific criterion. MPCA previously recognized as much, stating in the first draft permit that the 3M facility *did* have the reasonable potential to cause an exceedance of the 4,400 ng/L criterion even though the highest reported discharge from the facility was 1,740 ng/L. Given the high variability of 3M's discharge, the persistence and toxicity of PFHxA,¹ and the current loading of this

¹ It is beyond dispute that PFHxA poses risks to human health, and that regulators are scrambling to pair health risk limits, maximum contaminant levels, and other measures designed to protect human health to the rapidly evolving science of PFAS. New studies linking PFAS to cancers and other adverse health outcomes are being published at a startling rate. *See, e.g., Shiwen Li et al., Associations Between Per-and Polyfluoroalkyl*

chemical in the Mississippi River upstream and downstream of the 3M facility, simply claiming that there is no reasonable potential because previously reported discharges did not eclipse the site-specific criterion lacks rigor. MPCA should reevaluate its reasonable potential analysis and reinstate the effluent limits imposed in the first draft permit for PFHxA.

Reinstating the effluent limits for PFHxA will pose no undue burden on 3M. In its comment on the first draft of the permit, 3M stated that it “expects to meet the . . . effluent limitations for . . . PFHxA that MPCA proposes to take effect on January 1, 2027.”² By 3M’s admission, revising the Updated Draft Permit to include effluent limitations for PFHxA will have the benefit of capping the discharge of a toxic pollutant into the Mississippi River without burdening 3M. As MPCA is well-aware, the best way to prevent further environmental destruction and public health exposure from PFAS is to prevent release of these chemicals at the source. Effluent limitations are designed to do just that. MPCA should revise the Updated Draft Permit to restore the effluent limitations for PFHxA that the agency proposed in the first draft permit.

Finally, the need for an effluent limit for PFHxA is further motivated by state health risk limits and upstream water quality standards. The Minnesota Department of Health has established short-term non-cancer, chronic non-cancer, and subchronic non-cancer health risk limits at 200 ng/L, a fraction of the site-specific standard for River Miles 820-812, which is nearly ten times greater than the site-specific standard for Pool 2. MPCA should reinstate effluent limits for PFHxA to protect the environment and public health from this particular PFAS.

II. MPCA Should Require 3M to Submit Average Flows for Each Type of Process Before Finalizing the Updated Draft Permit

Clean Water Act regulations specify what information a permit applicant must provide to the permitting authority before obtaining a pollution discharge permit. *See generally* 40 C.F.R. § 122.21. These regulations require an existing discharger, like 3M, to identify each process, operation, or production area that contributes wastewater to the effluent for each outfall, and “the average flow which each process contributes.” 40

Substances (PFAS) and County-Level Cancer Incidence Between 2016 and 2021 and Incident Cancer Burden Attributable to PFAS in Drinking Water in the United States, J. Exposure Sci. & Env’tl. Epidemiology (2025), <https://www.nature.com/articles/s41370-024-00742-2.pdf> (showing a linkage between cancers and PFHxA published in early January 2025). These unique circumstances demand MPCA impose the strictest defensible limits to curtail PFAS releases in 3M’s NPDES permit.

² The January 1, 2027 date 3M represents it will be able to meet the previously proposed effluent limits for PFHxA is sooner than the new compliance schedule in the Updated Draft Permit. In other words, 3M can meet the previously proposed effluent limits for PFHxA before MPCA’s new deadlines.

C.F.R. § 122.21(g)(3). 3M has not provided this information, and MPCA is being overly generous with the timeframe for which 3M is required to comply with this federal regulation. Giving 3M two years to install monitoring equipment and requiring 3M to submit flow information with its next permit application flaunts federal regulations and ignores EPA's insistence that 3M "provide this information as soon as possible but *before* preparation of a proposed permit." MPCA should demand 3M move more swiftly to install flow monitoring equipment, and the agency should not wait until the next permit application for 3M to provide flow data from each process.

III. MPCA Should Require More Frequent Monitoring for PFAS from 3M's Effluent

The Updated Draft Permit modifies the monitoring frequency for a dozen PFAS analytes from monthly to annually. This is a mistake. As MPCA and 3M acknowledge, the facility's effluent is "highly variable." Reducing the frequency of monitoring a highly variable waste stream diminishes the accuracy and confidence of the data collected. While it may make sense to reduce sampling frequency for certain PFAS analytes at some point, MPCA should make this decision after it has collected a robust data set to justify annual sampling for certain analytes is appropriate. MCEA suggests MPCA require quarterly sampling, and to commit to revisit sampling frequency for certain PFAS after collecting data for a year.

More frequent testing will pose little to no additional burden for 3M. The Updated Draft Permit requires 3M to sample and analyze PFAS using a methodology equivalent to or better than EPA Method 1633. Method 1633 analyzes 40 different PFAS analytes, including several of the analytes MPCA now intends 3M to monitor for only once a year. Since MPCA proposes 3M to monitor PFAS analytes covered by Method 1633, or an equivalent methodology, on a more frequent basis, gathering and reporting to MPCA the complete set of analytes identified by Method 1633 on this same frequency will provide MPCA, 3M, and the public with a wealth of data about PFAS releases without imposing additional expense on the permittee.

Finally, MPCA's relaxed monitoring frequency diminishes the value of the Surface Water Monitoring Protocol. Studying surface water, sediment, sediment pore water, and fish tissue is vital to comprehensively understanding the PFAS burden the 3M facility is having on the environment. But due to MPCA's proposed changes to sampling frequency for certain PFAS, the number of PFAS looped into the Monitoring Protocol is reduced. MPCA should restore the monthly sampling frequency for PFAS to collect critical data to create the most robust dataset for the Monitoring Protocol.

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MCEA appreciates the careful attention and transparency MPCA has given to the Updated Draft Permit. We see this permit as both a landmark and a blueprint for how

NPDES permits can be effectively crafted to monitor and control PFAS releases at other facilities across the state.

Sincerely,

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