

Submitted Electronically

February 3, 2025

Minnesota Pollution Control Agency
c/o Sarah Starr
Minnesota Pollution Control Agency
520 Lafayette Rd N
St. Paul, MN 55155

Re: ACC Comments on 3M Chemical Operations (Cottage Grove) - Update - Wastewater Permit (December 18, 2024).

Dear Ms. Starr:

The American Chemistry Council (ACC)¹ appreciates the opportunity to submit additional comments in response to The Minnesota Pollution Control Agency's (MPCA) request for comment on its revised "Notice of Draft Wastewater Permit for 3M Chemical Operations in Cottage Grove" (Revised Draft Permit).² While we appreciate some of MPCA's changes following the first comment period, we are still concerned that some procedural and substantive concerns outlined in our August 30th comments are still not properly addressed by the Revised Draft Permit. As such, we hereby restate and incorporate by reference our previous comment letter.

ACC member companies own and operate chemical manufacturing facilities in Minnesota and across the country in compliance with existing local, state, and federal statutory requirements. The environmental impact of our member facilities' operations is evaluated according to permit conditions approved by state regulators and administered under the Clean Water Act and other regulatory programs. As such, ACC members have a significant interest in MPCA's proposed requirements in this draft permit, particularly those that may address treatment standards for PFAS given their potential to inform other local, state, and federal regulatory permitting and discharge requirements.

As discussed below, ACC continues to have concerns regarding inadequate opportunity to review and comment on the proposed requirements, lack of appropriate supporting data, and technical concerns associated with the feasibility of the treatment standards, among others. We strongly encourage MPCA to thoughtfully consider the concerns and recommendations provided in our original comments.

¹ The American Chemistry Council's mission is to advocate for the people, policy, and products of chemistry that make the United States the global leader in innovation and manufacturing. To achieve this, we: Champion science-based policy solutions across all levels of government; Drive continuous performance improvement to protect employees and communities through Responsible Care®; Foster the development of sustainability practices throughout ACC member companies; and Communicate authentically with communities about challenges and solutions for a safer, healthier and more sustainable way of life. Our vision is a world made better by chemistry, where people live happier, healthier, and more prosperous lives, safely and sustainably—for generations to come.

² Minnesota Pollution Control Agency Proposed Revised Draft Permit for 3M Chemical Operations (Cottage Grove) – Wastewater Permit (December 18, 2024). <https://www.pca.state.mn.us/local-sites-and-projects/cottage-grove-3m-chemical-operations>

The comment period for the Revised Draft Permit began on December 18th, 2024, which left extremely limited time for review in advance of several major holidays and end of year leave. Unfortunately, the timing of the public notice along with the 45-day comment period once again did not provide key stakeholders with adequate time to review important technical resources, including a new site-specific water quality criteria document used to develop the permit and its requirements. Additionally, ACC continues to be concerned that the effluent limits for PFOA, PFOS, and PFHxS are unachievable with current technology and cannot be reliably and consistently measured.

ACC also reiterates the concern raised in our prior comments regarding MPCA's procedural approach to issuing new requirements. Specifically, in those comments, ACC noted that MPCA had not established any preceding WQSs and TMDLs for the targeted PFAS substances and associated thresholds. Instead, MPCA relied on its authority to develop a "site-specific" water quality criteria to unilaterally develop and propose WQBELs for six PFAS.

For the above reasons, ACC recommends that MPCA carefully consider our August 30th comments and further revise the Draft Permit to be consistent with Minnesota and Federal law. We appreciate the opportunity to submit comments in response to The MPCA's request. If you have any questions or need further clarification, please feel free to contact me at (202) 249-6409 or carly_zaccaria@americanchemistry.com.

Sincerely,

A handwritten signature in cursive script that reads "Carly Zaccaria".

Carly Zaccaria
Environment Manager, Regulatory and Scientific Affairs
American Chemistry Council