CENTER FOR PUBLIC ENVIRONMENTAL OVERSIGHT
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February 3, 2025

Sarah Starr
Minnesota Pollution Control Agency
520 Lafayette Rd N
St. Paul, MN 55155-4194
Email: sarah.starr@state.mn.us

Dear Ms. Starr:

Thank you for the opportunity to submit comments on the Second Draft of the wastewater permit for the 3M Cottage Grove Center (MN0001449), found at https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid333/did200071/pid_210210/project-documents/Draft%20Permit%20-%20MN0001449%20-%202024.pdf .

This permit is a nationally significant step forward for multiple reasons:

- Currently, across the U.S., very few wastewater permits address perfluoroalkyl and polyfluoroalkyl (PFAS) waste.
- Historically 3M was one of the first and largest producers of PFAS.
- For decades, 3M concealed information about the persistence and toxicity of PFAS, as well as its widespread presence in human blood.
- PFAS is found in the environment as well as human blood over much of the planet.
- The Trump Administration has withdrawn U.S. EPA's plan to regulate PFAS effluent from chemical plants, making state oversight even more important.

For these reasons, my comments will focus on PFAS. I will highlight some of the positive elements as well as some of my concerns. Since the draft permit is a lengthy document, I apologize in advance if I missed language that addresses some of my concerns. In addition, I would like to indicate my support for the comments being submitted by the Minnesota Center for Environmental Advocacy (MCEA).

The draft permit states: "The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations." Given the current environmental load of PFAS pollution, that's not enough. The goal should be: **As much as feasible, prevent future releases of PFAS into the environment from the Cottage Grove facility.**

1. On the positive side, the draft permit would require analysis of non-targeted compounds. However, it would require such analysis "at a minimum frequency of every five years." Given the vast number of PFAS compounds and the preponderance of non-targeted chemicals in some industrial settings, that analysis should be more frequent—perhaps annual.

2. 3M will be required to provide "a detailed account for the most likely/probable source of each PFAS compound found in the facility's discharge(s)…" This is a key provision. 3M should not be able to conceal source information behind claims of confidential business information.

3. 3M will be required to quantify its removal of PFAS and report on off-site disposal. This too is important. Unfortunately, there is not enough specificity. I fear that the "where" will be an environmental justice community—a location already overburdened with toxic releases—where regulation is weak. I would like to see the permit specify how destruction efficiency will be determined and how the creation of products of incomplete combustion/transformation products will be prevented.

4. I found no mention of emerging PFAS destruction technologies, a number of which are being developed with the help of federal funding. 3M should be required to evaluate the suitability of those technologies for on-site destruction.

5. I was pleased to see, on pages 58 and 103, the listing of treatment thresholds for five additional PFAS, but I don't understand the relationship among the thresholds and the final effluent limits. Furthermore, for some of those compounds, such as PFBS and PFBA, the thresholds and effluent limits seem particularly high (unprotective) compared to their respective Minnesota drinking water guidance values of 100 ng/L and 7,000 ng/L. Please lower or justify those ratios.

6. Please explain why there is no final effluent limit for PFBA at the SD002 discharge point. The Surface Water Monitoring table on page 69 of the Fact Sheet shows that PFBA concentrations there are the highest of the listed PFAS. The fact that past sampling has

not shown an exceedance of the effluent limit, which is shown for SD001, is not a valid reason to not establish an effluent limit at SD002.

7. I wholeheartedly support the provision for an annual public meeting. I have been saying for decades that constructive community engagement is the best guarantee of protective but fair regulatory oversight.

8. Citing a 3M Treatability Study, page 73 of the Fact Sheet accompanying the draft permit states:

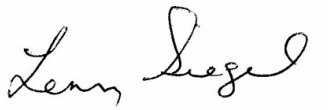
   "From an engineering perspective, the low-level limits for PFOS, PFOA and PFHxS will also force PFBA, PFBS and PFHxA to be treated to low levels. In order to comply with the PFOS, PFOA and PFHxS limits, a greater than 99.8% removal of those compounds is required. The reverse osmosis and media sorption treatment processes that remove PFOS, PFOA and PFHxS at a greater than 99.8% removal rate will also remove PFBA, PFBS and PFHxA at removal rate greater than 99%."

   Thus far I have not found that language in the actual draft permit. Furthermore, I have not been able to review that treatability study, but I wonder if the conclusion is overbroad. The scientific literature—for example, the highly referenced and regarded Interstate Technology & Regulatory Council's September 2023 PFAS Guidance—makes it clear that in many applications conventional treatment technologies are not as effective for short-chain PFAS as for the longer chain compounds for which treatment protocols were original developed.

   In my view, it's important that there be direct regulatory drivers for the removal and destruction of the short-chain PFAS.

In finalizing this permit Minnesota's Pollution Control Agency has the opportunity to set a positive precedent for the regulation of PFAS in industrial wastewater. Addressing the concerns that I and MCEA raise would help achieve the protectiveness that the public expects and deserves.

Sincerely,



Lenny Siegel
Executive Director