

Minnesota 3M PFC Settlement

Drinking Water Supply Technical Subgroup (Subgroup 1): Charter (Version 2.1)

December 2, 2019

Mission

The State of Minnesota's 2018 Agreement and Order (Agreement) with 3M Company (3M) establishes the 3M Grant for Water Quality and Sustainability Fund (Grant). The mission of the Drinking Water Supply Technical Subgroup (Subgroup 1) is to analyze options and deliver assessments and advice to the Government and 3M Working Group and the Citizen – Business Group for long-term options for drinking water supply and for treatment of existing water supplies that will improve the quality and quantity of drinking water for communities and individuals in the East Metropolitan Area.

Priorities

Subgroup 1 will analyze and deliver assessments and advice for long-term options that are reasonable and necessary to achieve the purposes of the Agreement, based on the following priority:

1. First and highest priority: Enhance the quality, quantity, and sustainability of the drinking water in the East Metropolitan Area. The goal of this highest priority work is to ensure clean drinking water in sufficient supply to residents and businesses in the East Metropolitan Area to meet their current and future water needs. Examples of projects (not listed by preference) may include, but are not limited to, the development of alternative drinking water sources, the treatment of existing water supplies, water conservation and efficiency, open space acquisition (as related to drinking water supply), and groundwater recharge. For individual households, projects may include, but are not limited to, connecting those residences to municipal water supplies, providing individual treatment systems, or constructing new wells. In selecting and performing activities under this priority, the State will prioritize water supplies where health based values, health risk limits, and/or health risk indices for perfluorochemicals [PFCs, also referred to as per- and polyfluoroalkyl substances (PFAS)] are exceeded.

A copy of the 2018 Agreement and Order is attached as Appendix A.

Timeframe

The Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (DNR) will support and coordinate implementation of the Agreement using good and open processes, analysis, and decision-making. Given the importance of improving water quantity and quality in the East Metropolitan Area, the MPCA and the DNR recognize the need to address immediate needs, but also expect the entire project planning phase to be a multi-

year process to ensure needs and options are appropriately and thoroughly considered. The MPCA and the DNR will aim to develop a conceptual plan for addressing drinking water supply with input from Subgroup 1 by the end of 2019. Timeframes for addressing other projects under Priority 1 are still being determined.

Membership

Subgroup 1 may include technical experts from the MPCA, the DNR, Minnesota Department of Health (MDH), 3M, Metropolitan Council, Washington County, Minnesota Geological Survey (MGS), the Minnesota Rural Water Association, and the Minnesota Water Well Association. The following East Metropolitan Area communities may also provide a technical representative: the cities of Afton, Cottage Grove, Lake Elmo, Lakeland, Maplewood, Newport, Oakdale, St. Paul Park, and Woodbury; the townships of Denmark, Grey Cloud Island, and West Lakeland; and the Prairie Island Indian Community. Entities may designate new representatives by notifying the MPCA and the DNR. The list of Subgroup 1 members is included as Appendix B to this charter and will be updated as necessary.

Responsibilities/Expectations

Responsibilities of Subgroup 1 include:

- Assist the MPCA and the DNR on the development of a conceptual plan for addressing drinking water supply by the end of 2019.
- Deliver assessments and advice on alternatives and options to the Government and 3M Working Group and the Citizen – Business Group.
- Identify potential projects and technologies for evaluation.
- Collect and review necessary background information.
- Provide technical input on potential project ideas, including information relevant for applying the screening and evaluation criteria.
- Provide briefings on work in progress to the Government and 3M Working Group and the Citizen – Business Group.
- Review the draft Subgroup 1 charter and project criteria.
- Provide input on meeting topics.
- Provide input on topics to explore.

Subgroup 1 members are expected to:

- Attend meetings in person; if the representative cannot attend, they should refer to the meeting materials provided on the 3M Settlement Website.
- Prepare for meetings by reviewing all relevant materials.
- Actively participate in discussion by sharing ideas and expertise.
- Provide feedback on requested materials including but not limited to community profile information related to water supply, use, and distribution.
- Share relevant information, as appropriate, that was previously identified or developed.
- Listen to and respect the viewpoints of others.

- Notify the Subgroup of any attendance conflicts.
- Consider public questions or comments that are provided at the meetings.

The MPCA and the DNR, with assistance from state contractors, will support and coordinate the work of Subgroup 1. Support provided to Subgroup 1 will include:

- Direct the Subgroup and provide a list of priority tasks.
- Provide proposed project ideas generated by the Government and 3M Working Group and the Citizen – Business Group, the MPCA and the DNR, and the public.
- Coordinate meetings and manage public participation at the meetings.
- Direct state contractors, and report to the Subgroup regarding tasked items.
- Develop drafts of the Subgroup 1 charter for review by the Subgroup and Work Groups and approval by the MPCA and the DNR.
- Prepare meeting agendas.
- Coordinate preparation of reports on 3M Settlement implementation progress.
- Track project proposals and review ideas for the potential of dual or multiple restoration goal benefits.
- Provide relevant background information to the Subgroup.
- Prepare communication plans.
- Promote consistency among groups.
- Maintain administrative records.
- Direct funding, as necessary and appropriate, for successful implementation of the planning process.

Authority

The Agreement specifies that “pursuant to Minn. Stat. §§ 116.155 and 115B.20, the MPCA and/or the DNR shall have the ultimate responsibility, in their discretion, to determine the projects to be implemented under this Agreement (provided that the MPCA and/or the DNR will adhere to the spending prioritizations described above).” With respect to the operation of municipal water supply systems, Minn. Stat. § 115B.52, subd. 5, provides that the MPCA or the DNR “must receive approval from the local unit of government prior to assuming control or otherwise operating an existing municipal water supply operation in the east metropolitan area.”

While the MPCA and the DNR have the final decision-making authority, Subgroup 1 has been created because it is important to the MPCA and the DNR that local experts provide technical input and community information to the project development and evaluation process.

Reporting

Notes containing a brief summary of topics, conclusions, decisions, and next steps of each Subgroup 1 meeting will be made accessible to the public through the 3M Settlement website (<https://3msettlement.state.mn.us/>).

Twice a year, the MPCA and the DNR will include a brief summary of Subgroup 1's activities for the previous six months in a report on the activities of the Government and 3M Working Group and the Citizen – Business Group.

Confidentiality

Subgroup 1 is subject to the Minnesota Government Data Practices Act and will operate under the presumption that records associated with the Subgroup are accessible to the public. The Subgroup will not review private, confidential, or nonpublic data.

Meetings

Subgroup 1 is currently expected to meet at least once a month, or as frequently as needed. While all members will be invited to every meeting, actual participation at a given meeting may be driven by the agenda for that meeting. It is understood that those who are interested in specific projects and approaches will be most likely to attend a particular meeting. The meetings are open to the public, and time will be reserved during each meeting for public questions or comments. The location, dates, and time of meetings are selected with the intention of accommodating as many communities as possible.

Appendices

Appendix A – 2018 Agreement and Order (attached).

Appendix B – List of representatives.

Community/Affiliation	Lead/ Alternate	Name	Title
Afton	Lead	Greg Johnson	WSB & Associates
	Alternate	Jon Christensen	
Cottage Grove	Lead	Ryan Burfeind	
	Alternate	Jennifer Levitt	
Denmark Township	Lead	Kathy Higgins	Town Board Chair
	Alternate		
Grey Cloud Island Township	Lead	Ray Kaiser	Supervisor
	Alternate	Richard Adams	
Lake Elmo	Lead	Jack Griffin	
	Alternate	Kristina Handt	City Administrator
Lakeland	Lead	Jim Stanton	Public Works Director/Council member
	Alternate		
Lakeland Shores	Lead	Craig Morris	
	Alternate		
Maplewood	Lead	Steve Love	Public Works Director
	Alternate	Molly Wellens	Environmental Health Officer
Newport	Lead	Jon Herdegen	MSA Professional Services
	Alternate	Brian Miller	MSA Professional Services
Oakdale	Lead	Brian Bachmeier	Public Works Director/City Engineer
	Alternate	Shawn Nelson	Utility Superintendent
Prairie Island Indian Community	Lead	Dan DeRudder	Utility/Project Manager
	Alternate		
St. Paul Park	Lead	Greg Johnson	WSB & Associates
	Alternate	Jon Christensen	
West Lakeland Township	Lead	Marian Appelt	Supervisor
	Alternate	Ryan Stempski	Principal Engineer
Woodbury	Lead	Jim Westerman	Utility Manager
	Alternate	Chris Hartzell	Engineering Director
Washington County	Lead	Stephanie Souter	
	Alternate		
Metropolitan Council	Lead	Sam Paske	Assistant General Manager
	Alternate	Brian Davis	Senior Engineer
Minnesota Geological	Lead	Tony Runkel	Chief Geologist

Community/Affiliation	Lead/ Alternate	Name	Title
Survey	Alternate		
Minnesota Rural Water Association	Lead	Kurt Haakinson	Technical Advisor
	Alternate		
Minnesota Water Well Association	Lead	Richard Thron	Mantyla Well
	Alternate		
Browns Creek Watershed District	Lead	Karen Kill	Administrator
	Alternate		
Middle St. Croix Watershed Management Organization	Lead	Matt Downing	Interim Administrator
	Alternate	Stu Grubb	Technical Representative
Ramsey-Washington Metro Watershed District	Lead	Tina Carstens	Administrator
	Alternate		
South Washington Watershed District	Lead	Matt Moore	Administrator
	Alternate		
Valley Branch Watershed District	Lead	John Hanson	Valley Branch Watershed District Engineer, Barr Engineering Co.
	Alternate		
Washington Conservation District	Lead	Erik Anderson	Senior Water Resource Specialist
	Alternate		
3M	Lead	Jim Kotsmith	Manager, Corporate Environmental Programs
	Alternate	Chris Bryan	
MPCA	Lead	Gary Krueger	East Metro Unit Supervisor
	Alternate	Jamie Wallerstedt	Technical Support Unit Supervisor
DNR	Lead	Jason Moeckel	Inventory Monitoring & Analysis Section Manager
	Alternate	Dan Lais	Central Region Manager, EWR
MDH	Lead	Karla Peterson	
	Alternate	Martin Lucas	Principal Engineer