

# Minnesota 3M PFC Settlement Citizen – Business Group: Charter (Version 3.0) August 2019

## Mission

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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 Citizen – Business Group is to identify and recommend projects to the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (DNR) for funding from the Grant.

## Priorities

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The Citizen – Business Group will identify and recommend projects to the MPCA and the DNR that are reasonable and necessary to achieve the purposes of the Agreement, based on the following priorities:

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.
2. Second highest priority: Restore and enhance aquatic resources, wildlife, habitat, fishing, resource improvement, and outdoor recreational opportunities in the East Metropolitan Area and in downstream areas of the Mississippi and St. Croix Rivers. Projects may include, but are not limited to, aquatic habitat and water resource protection and restoration, terrestrial and water trails, boat ramps and/or fishing piers, restoration of wildlife habitat, and other terrestrial conservation and recreation improvements. This priority will be addressed after the MPCA and the DNR have reasonably achieved the goal set forth under Priority 1, with the exception of up to \$20 million of the Grant funds to which the MPCA and the DNR have immediate access.

3. Third highest priority: Fund residual, statewide water resources, habitat restoration, open space preservation, recreation improvements, and other sustainability projects. This priority will only be addressed if any portion of the Grant remains after the MPCA and the DNR have reasonably achieved the goals set forth under Priorities 1 and 2.

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

## Timeframe

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The MPCA and the DNR will support and coordinate implementation of the Agreement in an expeditious manner 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 the Citizen – Business Group by the end of 2019. Timeframes for addressing other projects under Priority 1, in addition to Priorities 2 and 3, are still being determined.

## Membership

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The Citizen – Business Group is composed of the MPCA, the DNR, and at-large citizen, business, and nongovernmental representatives who live or work in the East Metropolitan Area, which includes, but is not necessarily limited to: the cities of Afton, Cottage Grove, Lake Elmo, Maplewood, Newport, Oakdale, St. Paul Park, Woodbury; and the townships of Denmark, Grey Cloud Island and West Lakeland. Members of the group are selected by the MPCA and the DNR. One representative from the Government and 3M Working Group serves as a liaison to the Citizen – Business Group. The list of Citizen – Business Group members is included as Appendix B to this charter and will be updated as necessary.

The Minnesota Department of Health (MDH) and the Metropolitan Council, while not members of the Citizen – Business Group, will be invited to consult on regulatory and policy topics in their areas of expertise.

If vacancies arise, the MPCA and the DNR will select replacements.

## Responsibilities/Expectations

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Responsibilities of the Citizen – Business Group include:

- Identify and recommend projects to the MPCA and the DNR for funding from the Grant.
- Review the work products of the Subgroups that will be established to analyze options and deliver assessments and advice on alternatives and options.
- Review draft charters, program goals, and project criteria.
- Provide input on meeting topics.
- Receive briefings on work in progress and provide input on topics to explore.

- Share advice and recommendations with the Government and 3M Working Group.

Citizen – Business Group members are expected to:

- Attend meetings in person.
- Prepare for meetings by reviewing all relevant materials.
- Actively participate in discussion by sharing ideas and expertise.
- Provide feedback on requested materials.
- Share relevant information, as appropriate, that was previously identified or developed.
- Listen to and respect the viewpoints of others.
- Notify the Group 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 the Citizen – Business Group. Support provided to the Citizen – Business Group will include:

- Coordinate meetings and manage public participation at the meetings.
- Direct state contractors, and report to the Group regarding tasked items.
- Develop drafts of the Group charter, program goals, and project criteria for review by the Group and approval by the MPCA and the DNR.
- Prepare meeting agendas.
- Coordinate preparation of reports on 3M Settlement implementation.
- Track project proposals and review ideas for the potential of dual or multiple restoration goal benefits.
- Provide relevant background information to the Group.
- Prepare communication plans.
- Promote consistency among groups.

Maintain administrative records.

## Authority

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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, the Citizen – Business Group has been created because it is important to the MPCA and the DNR that local citizens

and businesses have an opportunity to provide input and make recommendations to the MPCA and the DNR on projects for implementation.

## Reporting

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Notes containing a brief summary of topics, conclusions, decisions, and next steps of each Citizen – Business Group 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 develop a brief summary report of the Citizen – Business Group’s activities for the previous six months.

## Confidentiality

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

## Meetings

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The Citizen – Business Group meets at least once a quarter, or more frequently if needed. The meetings are open to the public, and time will be reserved at the end of each meeting for public questions or comments. The location, dates, and timing of meetings are selected with the intention of accommodating as many representatives as possible.

## Appendices

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Appendix A – 2018 Agreement and Order (attached).

Appendix B – List of representatives of the Citizen – Business Group (updated January 25, 2021)

Name	Community/Affiliation
Julie Bunn	Lake Elmo
Lisa Mueller	Friends of the Mississippi
David Filipiak	Woodbury
Charlotte Flint	West Lakeland Township
Bob Fossum	Lake Elmo
Jeff Holtz	Lake Elmo
Mark Jenkins	Maplewood
David Johnson	Local Chamber of Commerce
Steven Johnson	West Lakeland Township
Katie Johnston-Goodstar	Maplewood
Jack Lavold	Cottage Grove
Michael Madigan	Woodbury
Barbara Ronningen	Afton
Amy Schall	St. Paul Park
Dave Schulenberg	Cottage Grove
Monica Stiglich*	Oakdale
Kirk Koudelka	MPCA
Jess Richards	DNR

\*Liaison to the Government and 3M Working Group