

# Minnesota 3M PFC Settlement Government and 3M Working Group: Charter (Version 3.0) Members updated June 30, 2020

## 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 Government and 3M Working 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 Government and 3M Working 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 Government and 3M Working 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 Government and 3M Working Group is composed of representatives from the MPCA, the DNR, 3M, Washington County, and the following East Metropolitan Area communities: the cities of Afton, Cottage Grove, Lake Elmo, Lakeland, Lakeland Shores, Maplewood, Newport, Oakdale, St. Paul Park, Woodbury; the townships of Denmark, Grey Cloud Island and West Lakeland; and the Prairie Island Indian Community. Each of the entities named above may designate one representative and one alternate for when their representative is unable to participate in a meeting. Entities may designate new representatives or alternates by notifying the MPCA and the DNR. One representative from the Citizen – Business Group serves as a liaison to the Government and 3M Working Group. The list of Government and 3M Working 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 Government and 3M Working Group, will be invited to consult on regulatory and policy topics in their area of expertise.

## Responsibilities/Expectations

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Responsibilities of the Government and 3M Working 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 Citizen – Business Group.

Government and 3M Working Group members are expected to:

- Attend meetings in person; if the representative cannot attend, they should coordinate with their alternate.
- 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 Working 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 Government and 3M Working Group. Support provided to the Government and 3M Working Group will include:

- Coordinate meetings and manage public participation at the meetings.
- Direct state contractors, and report to the Working Group regarding tasked items.
- Develop drafts of the Working Group charter, program goals, and project criteria for review by the Working 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 Working Group.
- Prepare communication plans.
- Promote consistency among groups.
- Maintain administrative records.

## Authority

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The authority of this Working Group derives from the Agreement, which specifies that the MPCA and the DNR are responsible for establishing a Working Group to identify and recommend projects for funding by the Grant, with the Working Group consisting of representatives of the MPCA, the DNR, East Metropolitan Area municipalities, and 3M. The Agreement also 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 Government and 3M Working Group has been created because it is important to the MPCA and the DNR that local communities and 3M 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 Government and 3M Working 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 Government and 3M Working Group’s activities for the previous six months.

## Confidentiality

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The Government and 3M Working Group is subject to the Minnesota Government Data Practices Act and will operate under the presumption that records associated with the Working Group are accessible to the public. The Working Group will not review private, confidential, or nonpublic data.

## Meetings

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The Working 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 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 and alternates (updated January 8, 2021)

Community/Affiliation	Lead/Alternate	Name	Title
Afton	Lead	Bill Palmquist	Council member
	Alternate	Ron Moorse	City Administrator
Cottage Grove	Lead	Jennifer Levitt	Interim City Administrator
	Alternate		
Denmark Township	Lead	Kathy Higgins	Town Board Chair
	Alternate		
Grey Cloud Island Township	Lead	Paul Schoenecker	
	Alternate		
Lake Elmo	Lead	Kristina Handt	City Administrator
	Alternate		
Lakeland	Lead	Craig Morris	Former Mayor
	Alternate	Edward Shukle	City Administrator
Lakeland Shores	Lead	Craig Morris	Former Mayor
	Alternate	Brian Zeller	Mayor
Maplewood	Lead	Shann Finwall	Environmental Planner
	Alternate	Michael Martin	Interim Community Development Director
Newport	Lead	Dan Lund	Mayor
	Alternate	Kevin Chapdelaine*	City Councilman
Oakdale	Lead	Christina Volkers	City Administrator
	Alternate	Paul Reinke	Mayor
Prairie Island Indian Community	Lead	Jessica Stolle	Assistant General Counsel
	Alternate		
St. Paul Park	Lead	Kevin Walsh	City Administrator
	Alternate	Jeff Dionisopoulos	Public Works Supervisor
West Lakeland Township	Lead	Daniel Kylo	Chairman
	Alternate	Marian Appelt	Supervisor
Woodbury	Lead	Mary Hurliman	Public Works Director

Community/Affiliation	Lead/Alternate	Name	Title
	Alternate	Chris Hartzell	Engineering Director
Washington County	Lead	Lowell Johnson	Director, Department of Public Health and Environment
	Alternate	David Brummel	Deputy Director, Department of Public Health and Environment
3M	Lead	Jim Kotsmith	Manager, Corporate Environmental Programs
	Alternate	Karie Blomquist	Advanced Environmental Specialist
MPCA	Lead	Kirk Koudelka	Assistant Commissioner
	Alternate	Kathryn Sather	Director, Remediation Division
DNR	Lead	Jess Richards	Assistant Commissioner
	Alternate	Ann Pierce	Deputy Director, Division of Ecological & Water Resources

\*Liaison to the Citizen – Business Group