



# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

April 28, 2017

Ms. Jean B. Sweeney  
Chief Sustainability Officer  
3M Environment, Health, Safety and Sustainability  
3M Center, Building 224-05W-03  
St. Paul, MN 55144-1000

RE: New Drinking Water Health Advisories for PFOA and PFOS

Dear Ms. Sweeney:

The Minnesota Pollution Control Agency (MPCA) is in receipt of your letter dated March 20, 2017. As background for this response, the MPCA notified 3M Company (3M) in writing on November 3, 2016, that the MPCA intended to seek reimbursement from 3M under Minnesota law and the May 22, 2007, Settlement Agreement and Consent Order (2007 Consent Order), for additional costs the MPCA would be incurring for water well sampling, installation of granular activated carbon (GAC) filters, and provision of bottled water to residents subject to the Minnesota Department of Health's (MDH) water well advisories for perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) issued on August 22, 2016. 3M sent follow-up letters to the MPCA on December 15, 2016, and February 2, 2017. The MPCA responded to 3M's letters on March 3, 2017. In your March 20, 2017 letter, you state that the MPCA did not answer certain questions in 3M's December 15, 2016 letter, and seek additional information from the MPCA.

First, you asked whether the State, the MPCA or MDH sent notices to others who might be the proximate cause of the impact to the wells. As the MPCA stated in its March 3, 2017 letter, the homes that received the water well advisories, and to which the MPCA is providing bottled water and GAC filters, are in areas impacted by PFC releases from the three 3M PFC disposal sites and/or the Washington County Landfill.

As the MPCA stated in its March 3, 2017 letter to 3M, the MPCA believes that residential wells in Washington County that have been impacted by PFCs, are a result of releases of PFCs to groundwater which originated at either the 3M PFC disposal sites (Oakdale, Woodbury and Cottage Grove), or from the Washington County Landfill. As 3M has acknowledged, Washington County Landfill was utilized by 3M for disposal of wastes containing PFCs, and the Washington County Landfill is included in the provisions of the 2007 Consent Order. As in the past, MPCA has only billed 3M for the costs associated with releases from the Oakdale, Woodbury, and Cottage Grove sites. Therefore, the MPCA determined that there was no basis to notify any other entity for the identified PFC releases, other than 3M, who is responsible for reimbursing the MPCA for such costs under the terms of the 2007 Consent Order.

Second, you asked at what point did the State decide it would seek reimbursement from 3M. As the MPCA stated in its March 3, 2017 letter, the MPCA informed 3M on August 22, 2016, that it intended to seek recovery of its costs from 3M, which was the same day that MDH issued the water well advisories and the same day that MPCA also informed local and state officials of the advisories. The MPCA has made every effort to keep 3M informed on a timely basis of its decisions in this matter.

**Exhibit  
2683**

State of Minnesota v. 3M Co.,  
Court File No. 27-CV-10-28862



Ms. Jean B. Sweeney

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April 28, 2017

Third, you asked for copies of each of the more than 175 water well advisories and the test results of the samples collected. Enclosed as Attachment A is a comprehensive MDH list of information on residential well locations, water well advisories issued and PFC sample results of water wells sampled since August 2016. Additional information is also available on MDH's PFC web page located at <http://www.health.state.mn.us/divs/eh/hazardous/topics/pfcs/current.html>.

Fourth, you asked for copies of the access agreements where more than 110 GAC filter systems have been installed, correspondence with homeowners (including well advisories), the locations where GAC filters have been installed, and the sampling results from the wells where the GAC systems were installed. The locations of where access agreements are in place and GAC filter systems have been installed are included in Attachment B. Sample results for those homes with GAC filters installed is included in Attachment A, as noted above. With respect to your request for copies of all access agreements and correspondence with homeowners where GAC filters were installed, both MDH and MPCA use a template letter and a template access agreement. Instead of sending you hundreds of copies of the same letter and access agreement, enclosed is a copy of the template letter that MDH uses to notify homeowners of the water well advisory (Attachment C) and the template access agreement that the MPCA uses to obtain access for installation of GAC filters (Attachment D).

In the past, the MPCA and 3M agreed that the MPCA would have the direct contact with homeowners for installation of GAC filters instead of 3M, and that 3M would reimburse the MPCA for costs associated with GAC filter installation and maintenance. To date, 3M has reimbursed the MPCA for agency costs related to GAC filter management in a timely manner. If 3M would like to discuss this approach or other approach to respond to PFC impacts to drinking water wells in Washington County, the MPCA is open to such discussions. With the significant increase in number of drinking water impacts from PFCs, a more permanent feasible solution, other than continued reliance on GAC filters, would seem to be prudent to evaluate.

Finally, you asked about the status of the testing of the additional 400-500 wells. In its March 3, 2017 letter, the MPCA stated that water well samples had been collected from more than 400 homes in South Washington County, in areas of identified PFC impacts from the 3M disposal sites and/or the Washington County Landfill. The information in Attachment A referenced above includes the sample results of these more than 400 wells.

If you have any questions or would like to discuss this matter in person, please contact Gary Krueger of my staff at 651-757-2509 or by e-mail at [gary.krueger@state.mn.us](mailto:gary.krueger@state.mn.us).

Sincerely,



Kathryn J. Sather, Director  
Remediation Division  
KJS:jmp

Enclosures: Attachment A - MDH Comprehensive list of well and sampling data (sent electronically)  
Attachment B - MPCA list of GAC access agreements and filter installations (sent electronically)  
Attachment C - MDH template correspondence to homeowners  
Attachment D - MPCA template access agreement

cc: Tom Hogan, MDH  
Gary Hohenstein, 3M Company (w/attachments)

April 14, 2017

RE: Well Advisory for well with Minnesota Unique Well Number [REDACTED]  
Located at [REDACTED]  
Collected on [REDACTED]

Dear [REDACTED]:

Thank you for allowing a water sample to be collected from your well. This sampling is part of a co-operative effort by the Minnesota Department of Health (MDH) and the Minnesota Pollution Control Agency (MPCA) to evaluate perfluorochemical (PFC) contamination in the groundwater in south Washington County. The sample results from your well are compared below to both the current MDH health based values and new EPA Health Advisory values issued in May.

**Water Sample Testing Results (in parts per billion, ppb):**

Chemical Name	Amount in Your Well	Drinking Water Criteria (ppb)
Perfluorooctane Sulfonate (PFOS):	0.092 ppb.	0.07
Perfluorooctanoic Acid (PFOA):	0.078 ppb.	0.07
Perfluorobutanoic Acid (PFBA):	0.28 ppb.	7
Perfluoropentanoic Acid (PFPeA):	No Detection.	NE
Perfluorohexanoic Acid (PFHxA):	No Detection.	NE
Perfluorohexane Sulfonate (PFHxS):	Present below the reporting level, estimated to be 0.016 ppb.	0.07
Perfluorobutane Sulfonate (PFBS):	No Detection.	7

NE = None established; currently MDH and/or EPA does not have sufficient information to set health based exposure limits for these PFCs.

NOTE: The drinking water criteria for PFOA, PFOS, and PFHxS are based on new EPA Lifetime Health Advisory values. MDH is currently reviewing these values.

**What This Means For You:**

The sample from your well contained PFCs at concentrations that, either individually or in combination, were above levels of health concern. Therefore, MDH is issuing a well advisory for your well, reference above. Water with PFC levels above health concern is safe for bathing, showering, or washing clothes and cleaning, but should not be used for drinking or cooking.

The Minnesota Pollution Control Agency (MPCA) will provide you with bottled water for drinking and cooking, and will contact you regarding installation of a granular activated carbon (GAC) filter system to treat your water or connection to city water, if that is available in your area. Bottled water will be provided to you until a GAC or other permanent, alternate water supply can be provided. There will be no cost to you for either the bottled water or GAC filter system. Most, if not all, of your costs to connect to city water may be reimbursed. MPCA will send information about all of your options and an access agreement for GAC filter installation. You will also be contacted directly regarding bottled water delivery.

Please note, the new EPA values have resulted in MDH issuing a large number of well advisories in Washington County. Due to the number of filters that need to be installed in the affected area, the MPCA anticipates it may take several months to complete the installation of all of the systems.

If you have already installed a GAC filter system or other water treatment system in your home, MPCA staff or their contractor will contact you to determine if your system can meet your water treatment needs and to discuss what additional technical and system maintenance assistance you may need, which may be provided at no cost to you.


**For More Information:**

- Visit the MPCA website - [www.pca.state.mn.us/waste/perfluorochemicals-pfcs](http://www.pca.state.mn.us/waste/perfluorochemicals-pfcs)
- Visit MDH website - [www.health.state.mn.us/divs/eh/hazardous/topics/pfcs/index.html](http://www.health.state.mn.us/divs/eh/hazardous/topics/pfcs/index.html)
- Visit the EPA website - [www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos](http://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos)

If you have questions or concerns, please feel free to contact us at the phone numbers and email addresses listed below.

Issue	Name	Agency	Phone	Email
GAC Filter Installation	Gary Krueger	MPCA	651-757-2509	<a href="mailto:gary.krueger@state.mn.us">gary.krueger@state.mn.us</a>
Water Sample Results	Ginny Yingling	MDH	651-201-4930	<a href="mailto:virginia.yingling@state.mn.us">virginia.yingling@state.mn.us</a>
Health Concerns	Site Assessment and Consultation Unit Information Line	MDH	651-201-4897	<a href="mailto:health.hazard@state.mn.us">health.hazard@state.mn.us</a>

Sincerely,



Ginny Yingling  
 Hydrogeologist  
 Environmental Health Division  
 P.O. Box 64975  
 St. Paul, MN 55164-0975

cc: Gary Krueger, MPCA  
 Patrick Sarafolean, MDH - Well Management Program  
 Stephanie Souter, Washington County



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April 7, 2017

**Name**

**Address**

Lake Elmo, MN 55042

RE: Granular Activated Carbon Filter for Your Water Supply

Dear **Name**:

The Minnesota Department of Health (MDH) recently issued a well advisory recommending that you do not use your well water for drinking and cooking, based on the detections of certain perfluorochlorinated hydrocarbons (PFCs) in your well water. The Minnesota Pollution Control Agency (MPCA) has been providing bottled water to you since the issuance of MDH's well advisory letter.

As outlined in the enclosed fact sheet, granular activated carbon (GAC) filters are very effective in removing PFCs from well water. This letter serves to inform you that you are eligible to have the MPCA install a whole house GAC filter onto your water supply. The installation and maintenance of GAC filter will be at no cost to you. The purpose of the GAC filter is to reduce the concentrations of PFCs in your water supply so you can use your water in a normal fashion. Meanwhile, the MPCA will continue to provide you with bottled water until the GAC filter is installed.

West Central Environmental Consultants, under contract with the MPCA, will oversee the installation, maintenance and monitoring of the GAC filter. This is the same consulting firm who also collects samples of your well water. Culligan Water (dba Ultrapure Service), also under contract with the MPCA, will be contacting you in the near future to make arrangements with you for the installation of the GAC filter and will be responsible for the actual maintenance and filter change-outs. Filter change-outs are usually done once per year.

Prior to installation of the GAC filter, we will ask you to sign an Access Agreement which grants permission for MPCA, West Central or Culligan/Ultrapure staff to enter your property for the purpose of installing and monitoring the performance of the GAC system. MPCA or MPCA contractor staff will always contact you before entering your property.

Please sign and return the enclosed Access Agreement in the self-addressed envelope. If you have any questions about GAC filters, the installation of the GAC filter, the Access Agreement, or if you choose to decline the MPCA's offer to install a GAC on your water supply, please call me at 651-757-2509 or email at [gary.krueger@state.mn.us](mailto:gary.krueger@state.mn.us) or Tim Lockrem, of my staff, at 651-757-2686 or email at [timothy.lockrem@state.mn.us](mailto:timothy.lockrem@state.mn.us). A final MPCA signed copy will be sent to you for your records.

2683.0005

**Name**

Page 2

April 7, 2017

If you have already installed a GAC or similar filter in your home, you may be eligible for the MPCA to maintain the filter (i.e. change-outs) provided the filter meets the specifications of a MPCA installed GAC filter and your return of the signed Access Agreement. You may also be eligible for reimbursement of costs associated with installation of your filter, or for costs associated with connection to a public water supply, as provided by the MPCA's Harmful Substance Compensation Program (see enclosed information).

If you have any questions, please contact me at the above indicated information.

Sincerely,

Gary Krueger  
Supervisor  
Remediation and Redevelopment Section  
Remediation Division

GK/TL:csa

Enclosures

cc: Ginny Yingling, Minnesota Department of Health

2683.0006

# Access Agreement

**Between Minnesota Pollution Control Agency  
and Name  
Address**

**Lake Elmo, MN 55042**  
Superfund Program

*Doc Type: Access Agreement*

## Background

Pursuant to the Minnesota Environmental Response and Liability Act (MERLA), Minn. Stat. § 115B.17, subd. 4, the Minnesota Pollution Control Agency (MPCA) is investigating the release or threatened release of perfluorochemicals (PFCs) in Washington County.

The MPCA is currently taking action in response to the concentrations of PFCs in the well water at the residence located at the address identified above (the Property). The concentrations of one or more PFCs exceed the Minnesota Department of Health's (MDH) Health Risk Limits or Health Based Values, or the combined concentrations of multiple PFCs exceed the Health Risk Limits or Health Based Values based on a calculation of the additivity, or MDH has recommended the use of an alternative drinking water supply. To address the PFC contamination in the water supply at the Property, the MPCA will install and maintain a granular activated carbon (GAC) filter at the water supply at the Property.

The MPCA, its employees, contractors, and agents, as well as the Minnesota Department of Health, is authorized to enter the Property in order to take these actions under Minn. Stat. § 115B.17, subd. 4.

## Agreement

1. **Parties.** The Parties to this Agreement are:
  - a. Minnesota Pollution Control Agency (MPCA); and
  - b. **Name** (the "Property Owner").
2. **Access.** The Property Owner hereby consents to and authorizes the MPCA, its employees, contractors, and agents, as well as the MDH, to enter the Property including buildings and other improvements, as the MPCA deems necessary, on the Property for the following purposes:
  - a. To install, monitor, sample, and maintain GAC filters on the water supply or well(s) used for domestic consumption in which the concentrations of one or more PFCs exceed the MDH's Health Risk Limits (HRLs) or Health Based Values (HBVs), or the combined concentrations of multiple PFCs exceed the HRLs or HBVs based on a calculation of the additivity;
  - b. To conduct such other tests and sampling, including sampling of well water before and after GAC treatment, as the MPCA deems necessary, to investigate the nature and extent of the release or threatened release of PFCs.
3. **MPCA obligations.** The MPCA will notify the Property Owner at least 48 hours before entering the Property. Work will be conducted during the hours of 8:00 a.m. to 5:00 p.m. unless the MPCA receives permission to conduct work during different hours.
4. **MPCA and Property Owner precautions regarding work.**
  - a. The MPCA will conduct its activities so as to avoid unreasonable interference with the use of the Property. If any portion of the Property must be disturbed as a result of MPCA's activities, the MPCA will restore the property as close to its original condition as is reasonably possible under the circumstances.
  - b. The Property Owner will take reasonable precautions to ensure that the equipment of MPCA and its contractors on the property is not damaged, and that the work being conducted by MPCA, its employees, agents and contractors is not disrupted.
5. **Permits.** The MPCA, or its contractors, will obtain any necessary permits to install and maintain GAC filters on the Property.

6. **Test Results.** The MPCA will provide reports on the results of sampling, surveys and tests on the GAC filter to the Property Owner upon the Property Owner's request to the MPCA for such information.
7. **Property Transfer.** If the ownership of the Property or of the well is transferred, this Agreement is null and void upon the effective date of transfer. The Property Owner shall notify the MPCA 30 days prior to the transfer and forward the name and current address of the proposed purchaser to the MPCA. If the property transfer does not occur for any reason, the owner shall notify the MPCA of failure to transfer within 14 days of such failure. The GAC filter would remain installed on the property provided an updated access agreement is signed between the new property owner and the MPCA.
8. **Maintenance of GAC Filters.**
  - a. The MPCA may terminate maintenance of, and subsequently remove, the GAC filter when the concentrations of PFCs in the water supply at the Property is determined by MDH to no longer be a public health concern or if another alternative source for water is made available.
  - b. The MPCA will notify the Property Owner 30 days before it terminates maintenance of, and removes, the GAC units, as long as the MDH determines the concentrations of PFCs in the water supply at the Property are no longer a public health concern, any further treatment of the water supply at the Property will be the expense of the Property Owner.
9. **MPCA Liability for GAC Filters.**
  - a. The MPCA shall not bear any liability if the GAC units, their associated fixtures, or any portion of the units or fixtures, are altered or misused in any way. For example, each GAC unit will be installed with the proper piping and valves to provide proper water treatment. Should the installed piping or valves ever be altered from the original installation, the units will not function as anticipated. The MPCA shall bear no liability for personal injury, property damage, or other harm caused as a result of this or other misuse or alteration of the units.
  - b. Except as provided in paragraph 9.A, the MPCA will be liable for injury to or loss of property or personal injury or death caused by any act or omission of any employee of the state in the performance of the work described above, under circumstances where the state, if a private person, would be liable to the claimant, in accordance with the Minnesota Tort Claims Act, Minn. Stat. § 3.736.
10. **Existing Drinking Water Filters Installed by Property Owner.**
  - a. If the Property Owner has previously installed and is currently operating a GAC unit or filter that does not meet the specifications of GAC units installed by the MPCA, or if the MPCA determines the GAC unit or filter is not adequate in removing PFCs, the MPCA will offer the Property Owner a GAC unit installed and maintained by the MPCA. If the Property Owner accepts the MPCA's offer to install and maintain a GAC unit at the Property, removal of the existing GAC unit or filter owned by the Property Owner, including associated costs, will be the responsibility of the Property Owner prior to installation of the GAC unit by the MPCA.
  - b. If the Property Owner has previously installed a GAC unit or filters that meets the specifications of GAC units or filters installed by the MPCA, the MPCA will offer to maintain the GAC unit or filter, provided the Property Owner signs this access agreement and permits the MPCA to inspect the installed GAC unit or filter to determine adequacy of the Property Owner installed GAC filter unit. The Property Owner may request reimbursement of existing GAC installed filter as provided under Minn. Stat. 115B.25 – 115B.37.(Harmful Substance Compensation)
11. **Effective Date and Termination of Agreement.** This Agreement is effective upon the date that the Commissioner of the MPCA executes this Agreement. This Agreement shall terminate upon removal of the GAC filter located at the Property.
12. **Rights of MPCA Reserved.** Nothing in this Agreement shall be construed to limit or diminish the right of the MPCA to take any action authorized by under MERLA, or other law with respect to any release or threatened release of a hazardous substance or pollutant or contaminant.



13. **Property Owner Contact Information.** All correspondence sent to the Property Owner should be addressed to:

Name (please print): \_\_\_\_\_  
Street address or PO Box: \_\_\_\_\_  
City, State ZIP: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
e-mail: \_\_\_\_\_

c. **MPCA Contact Information.** The MPCA contact for this project is:

Tim Lockrem  
Remediation Division  
MPCA  
520 Lafayette Rd. N.  
Saint Paul, MN 55155-4194  
Telephone: 651-757-2686  
Email: [timothy.lockrem@state.mn.us](mailto:timothy.lockrem@state.mn.us)

- d. **MPCA Liability.** The MPCA shall be liable for injury to or loss of property, or personal injury or death, caused by an act or omission of any employee of the State in the performance of the work described above, under the circumstances where the State, if a private person, would be liable to the claimant, in accordance with Minn. Stat. § 3.736.
- e. **Effective Date.** This Agreement shall be effective upon the date it is signed by the MPCA.
- f. **Rights of MPCA Reserved.** Nothing in this Agreement shall be construed to limit or diminish the right of the MPCA to take any action authorized by the Minnesota Environmental Response and Liability Act (MERLA) or other law with respect to any release or threatened release of a hazardous substance or pollutant or contaminant.

**Certification**

*By their signatures below, the undersigned represent that they have authority to bind the parties they represent, their agents, successors, and assigns.*

**Minnesota Pollution Control Agency**

**Property Owner**

Print name: Gary L Krueger

Print name(s): \_\_\_\_\_

Title: Supervisor

\_\_\_\_\_

Signature: \_\_\_\_\_

Signature(s): \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



# Granular Activated Carbon Filters

**U**ncontaminated well water is usually considered to be a safe source of drinking water. When a well becomes contaminated, a water treatment system (a filter with granular activated carbon, or GAC) is a proven method for removing organic chemicals like trichloroethylene and perfluorochemicals from the water. When contaminant levels in a well exceed health-based limits, the Minnesota Pollution Control Agency (MPCA) may install a whole-house GAC filter. This filter traps the contaminants so that your drinking water meets health-based limits. This fact sheet is intended to provide you with information about the filter and steps you can take to ensure it operates properly.

## What is GAC?

Granular activated carbon is made from raw organic materials, such as coconut shells or coal, which are high in carbon. Heat is used to activate the surface area of the carbon. The activated carbon removes certain chemicals from the water passing through a GAC filter by trapping the chemical in the GAC. However, other chemicals, like iron and nitrate, are not attracted to the carbon and therefore are not effectively removed.

It is important to know the level of contaminants and the volume of water used in order to determine the correct size and components of the filtration system. All treatment systems require proper installation, periodic monitoring, and maintenance. Eventually, the GAC loses its ability to trap and remove chemicals and it needs to be changed. The MPCA determines when MPCA-installed filters need to be changed. In some cases, the GAC can last several years depending on contaminant levels and water use.

## About your GAC filter system

A whole-house filter is installed at a point on the home's water supply plumbing which will result in treatment of all water that travels to any faucet or fixture in the home. Typically, the MPCA will exclude outside faucets and sprinkler systems. It removes the chemicals before they are ingested, inhaled, or absorbed through the skin during washing or bathing. This is important for some chemicals that readily evaporate from water or easily pass through the skin.

The filters are usually cylindrical in shape and about four feet tall and 15 inches in diameter. These filters are usually installed as a pair, although more may be required in some situations. Two filters arranged in

sequence ensure that any organic chemical that might get past the first filter is trapped by the second. When the MPCA recommends a filter be changed out, the second filter is moved to the first position and a new filter is



placed in the second position. Often MPCA contractors will perform the change-outs. Sample ports located before, between and after the filters allow for testing of the water at each location (see diagram).

Systematic monitoring and a maintenance schedule based on contaminant levels and water use are essential to ensure that the GAC filters function properly and that a change-out occurs before the system loses its ability to trap chemicals.

Typically, a simple water meter is installed with the GAC filter to monitor water use. The MPCA will contact you periodically for a meter reading. This is critical to properly monitor the performance of the GAC filter system.

### What can I do to ensure that my drinking water remains safe?

The GAC filter system is designed to remove the contaminants detected in your well water. However, there are some important steps you need to take to ensure that the filter continues to operate properly:

- Consider testing your unfiltered well water once a year for nitrate and coliform bacteria. These are common contaminants in private wells, often resulting from septic systems or fertilizer use. Your county public health department may be able to provide you with a simple test kit. Please provide a copy of the results to your MPCA staff contact.
- If a test detects coliform bacteria and you need to chlorinate (“shock”) the well to kill the bacteria, you may need to temporarily bypass the filter system to prevent the chlorine from quickly using up filter capacity. Talk to your MPCA staff contact for guidance before doing this.
- Allow the MPCA or its contractor to collect a sample or conduct maintenance on the system when the MPCA deems it necessary, and provide the MPCA with meter readings when asked. This is very important to monitor and ensure continued filter system performance.
- If you are away from home for a week or more, thoroughly flush the system by completely opening a filtered tap or faucet for at least 30 minutes before using any water for drinking or cooking purposes. This will help remove any bacteria or other contaminants that may have built up while the GAC filter system was not in use. Although rare, bacteria

in the system can convert nitrate to nitrite, which can be especially toxic for infants and young children.

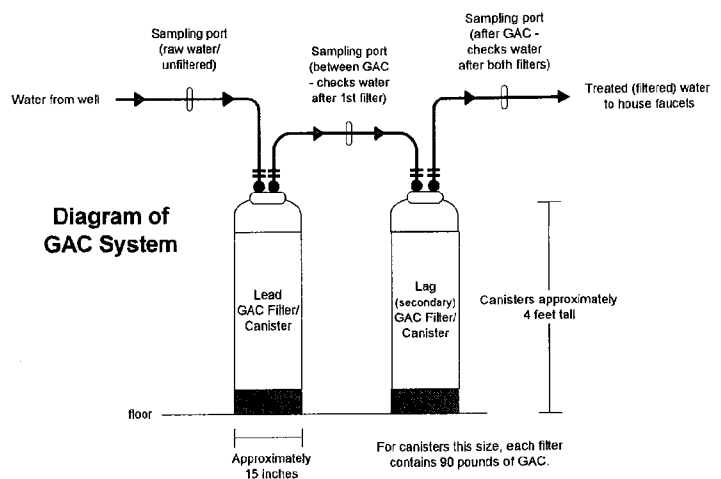
- Check your system on a monthly basis to ensure that there are no leaks, or that the system has not been accidentally bypassed (allowing untreated water to reach the taps). Report any problems, changes in water pressure, or unusual taste, odor or appearance to your MPCA staff contact.
- If you are installing other types of water treatment units, such as a water softener or reverse osmosis unit, please work with the MPCA to ensure that the additional systems do not compromise the operation of the GAC filter system.

Properly maintained, the GAC filter system will provide drinking water for you and your family that meets health-based limits for the contaminants found in your well.

### Contact information

If you have questions or concerns regarding the installation or operation of the GAC filter system, contact the MPCA staff person who is assigned to your project. The MPCA general telephone number is 651-296-6300 or 800-657-3864.

If you have questions regarding health concerns associated with contaminants in drinking water, please contact the Minnesota Department of Health’s Site Assessment and Consultation Unit at 651-201-4897 or [health.hazard@state.mn.us](mailto:health.hazard@state.mn.us).





## Harmful Substance Compensation Program

This fact sheet, prepared by the Minnesota Pollution Control Agency (MPCA) explains how individuals can get financial aid for property damage or personal injury caused by harmful chemical substances.

### What is the Harmful Substance Compensation Program?

The Harmful Substance Compensation Program (HSCP) was created to compensate persons who suffer certain kinds of injury or property damage from exposure to harmful substances in Minnesota. This exposure may come from water, soil, or air contaminated by improperly disposed of or discharged chemical waste, petroleum, or agricultural chemicals.

The HSCP was established to provide an administrative alternative to filing lawsuits against the person or company responsible for the damage. Decisions on compensation are made by the Commissioner of the MPCA. The Commissioner receives advice as necessary from physicians knowledgeable in toxicology, from health professionals knowledgeable about injuries caused by harmful substances, and from the Minnesota Attorney General's staff.

### What kinds of personal injury are eligible for compensation?

Injuries eligible for compensation from the HSCP are those caused by exposure to an identifiable harmful substance and may include:

- A chronic or progressive disease, illness or disability, such as cancer, organic nervous system disorder, reproductive disorder, or physical deformity.
- Acute diseases or conditions that are obvious after limited exposure to a harmful substance released into the environment, provided the party responsible for the release is unknown or unable to compensate the victim.

### What kinds of property damage are eligible for compensation?

If the contamination is at the person's principal residence, eligible damages include:

- The reasonable cost of replacing or decontaminating drinking water at a home when the Minnesota Department of Health has advised that the water not be used for drinking.
- The reasonable cost to install a vapor mitigation system at a home when the MPCA has recommended a system be installed to protect human health due to soil vapor intrusion of harmful substances.
- Losses for the sale of a home at less than the appraised market value if the sale was necessary due to a hardship for the owner. Compensation is limited to 75% of the difference in the appraised market value and the selling price.
- The increased cost to maintain two residences when caused by the inability of a property owner in a hardship situation to sell the property due to the contamination.

For eligible property damage, the compensation is limited to \$25,000 for each loss.

Claims for rental or business property or second homes are not eligible.

## **What types of injuries are ineligible for compensation?**

Injuries that are not eligible for compensation include:

- Injuries that result from workplace exposures and for which an award is made under worker's compensation.
- Injuries caused by use of consumer products.

The person responsible for the release of the harmful substance cannot file a claim.

## **How are injuries compensated?**

For eligible injuries, compensation includes:

- Reimbursement for medical expenses.
- Reimbursement for lost wages or income and for lost household labor.
- Payment of death benefits to dependents.

Compensation for lost wages, lost household labor, and death benefits is limited to \$24,000 each per year. There is no limit on medical expenses, but the maximum award to any one person cannot exceed \$250,000.

## **Is there a time limit on filing a claim?**

A personal injury claim must be filed within two years after the injury and its connection to exposure to a harmful substance was discovered.

A property damage claim must be filed within two years after the total amount of compensable losses can be determined.

## **Are there restrictions on filing a claim?**

- A claim cannot be filed by a person who has received compensation for the injury or damage from the party responsible for the release of the harmful substance.
- A person cannot bring an action in court and before the MPCA Commissioner for the same injury or damage at the same time.
- Double recovery is prohibited. If a person accepts an award from the MPCA Commissioner, the person cannot bring an action in court for that same injury or damage.
- If a person has received a favorable court judgment, the person cannot file a claim with the MPCA Commissioner unless the judgment was not paid.

A person does not need an attorney to file a claim. If the person chooses to be represented by an attorney, the attorney's fee for a property damage claim is limited to 15% of the amount awarded. No limit exists for fees on injury awards.

## **How are claims decided by the MPCA Commissioner?**

After an investigation of a claim, the MPCA Commissioner or Commissioner's delegate drafts a preliminary decision to grant or deny compensation with an explanation. This preliminary decision is provided to the claimant for review. If the decision is accepted by the claimant, it becomes final. If the claimant is not satisfied with the preliminary decision, the claimant can challenge the preliminary decision. A notice of the challenge must be received by the MPCA Commissioner within 30 days of receiving the preliminary decision. This challenge consists of an informal hearing before the Commissioner, in which more evidence can be introduced or witnesses can be heard. After this informal hearing, the MPCA Commissioner's decision is finalized. There is no right to judicial review.



For personal injury claims, the MPCA Commissioner must grant compensation when information provided by the claimant and the Commissioner's investigation show it to be likely that:

- The claimant has an eligible injury and eligible losses.
- The claimant has been exposed to an identifiable harmful substance.
- The claimant's exposure was due to the release of the harmful substance from a facility in Minnesota.
- The claimant's injury can be caused or significantly contributed to by exposure to the harmful substance in the amount and duration of the claimant's exposure.

For property damage claims, the MPCA Commissioner must grant compensation when information provided by the claimant and the Commissioner's investigation show it to be likely that:

- The claimant has eligible damage and eligible losses under the law governing the HSCP.
- A release from a facility in Minnesota could have caused the presence of the harmful substance on the property.
- The MPCA determines that drinking water or soil vapor corrective measures taken are comparable to actions the agency would implement to protect public health.

## For more information

For more information or to obtain a claim application form, call Gary Krueger, MPCA Superfund Program, at 651-757-2509.

For an authoritative description of the rights and procedures that govern the Harmful Substance Compensation Program, please refer to [Minn. Stat. §§ 115B.25-36](#) and [Minn. R. ch. 7190](#).

MPCA website: <http://www.pca.state.mn.us>.