

B R E W E R
ATTORNEYS & COUNSELORS

November 29, 2017

VIA CMRRR: 7017 2680 0000 9293 6501**VIA EMAIL: MAX.KIELEY@AG.STATE.MN.US**

Mr. Max Kieley
Assistant Attorney General
State of Minnesota
445 Minnesota Street, Suite 900
St. Paul, MN 55101-2127

Dear Mr. Kieley:

I write on behalf of 3M Company (“3M”) in response to the letter, dated November 21, 2017, Ms. Kathryn J. Sather sent to Mr. Gary Hohenstein (“the letter”).

The letter references future response actions purportedly necessary due to the State’s health-based advisory levels (HBVs) for PFOA and PFOS announced in May 2017. The letter requests that 3M confirm by December 6, 2017, whether or not 3M will pay for such response actions.

As previously noted in connection with similar requests, before 3M is able to determine its obligations, we seek clarification from the State as to how it established there are no others potentially responsible parties for the environmental presence of the PFCs that allegedly impacted public water supplies in the cities of Woodbury and Oakdale. Pursuant to the 2007 Settlement Agreement and Consent Order (“SACO”), 3M is only responsible for corrective measures that are necessary due to the environmental presence of PFCs from the sites for which it has accepted responsibility.

We look forward to receiving the information and data upon which the State based its decision that 3M is solely responsible for the PFCs in question. We note that in correspondence from the Minnesota Department of Health (“MDH”) to the City of Woodbury and the City of Oakdale, dated November 20, 2017, MDH reports that the agency has been in “ongoing discussions with city water officials regarding this issue, beginning in August of 2016 and again in May of 2017...”¹ We assume these discussions have related, in part, to water sampling and the corrective measures that may be necessary to address alleged impacts to local water systems.²

¹ See letters, dated November 20, 2017 from MDH to Mr. Clinton Gridley and Mr. Bart Fischer, administrators of the City of Woodbury and the City of Oakdale, respectively.

² Pursuant to Part XVI of SACO, “[t]he MPCA Commissioner . . . shall make available . . . the results of sampling, tests or other data generated by either party, or on its behalf, with respect to the implementation of this Agreement.”

B R E W E R

Mr. Max Kieley
Assistant Attorney General
State of Minnesota
November 29, 2017
Page 2

We request that you forward copies of any such communications, including, but not limited to, correspondence from the State and its representative agencies to these cities, and correspondence from city officials to the MDH, MPCA, or other agencies affiliated with the State. Assuming the State has been in dialogue with these cities since at least August 2016, we would like to know why the State is only now, more than a year after such communications reportedly began, advising 3M of these potential concerns.

We look forward to receiving your response and the information requested.

In the meantime, please do not make any assumptions that 3M agrees or declines to participate in the requested actions. 3M will honor all its legal obligations, and looks forward to working with all parties involved to develop a greater understanding of these environmental issues.

Thank you for your attention to these matters.

Sincerely,



William A. Brewer III

Cc: Ann E. Cohen, Office of the Attorney General
Gary Hohenstein, 3M Company
Mary Cullen, Esq., 3M Assistant General Counsel
John Linc Stine, MPCA
Clinton Gridley, City of Woodbury
Bart Fischer, City of Oakdale
Kathryn Sather, MPCA (VIA CMRRR 7017 2680 0000 9293 6518)