MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Record of Decision

In the Matter of the Determination of the Need for an Environmental Impact Statement for the 3M Oakdale Surface Water Diversion Project, in Washington County, Minnesota

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINDINGS OF FACT

1. 3M Chemical Operations, LLC (3M) is proposing a project to collect surface water upstream of the Abresch Disposal Site (Abresch Site or Site) to reduce per- and polyfluoroalkyl substances (PFAS) in stormwater discharge from the site. The Abresch Disposal Site is the largest of three former disposal sites that comprise the Oakdale Disposal Site, a state and federal Superfund site (see EAW Figure 1).

2. The project consists of several aspects: a surface water control structure, a surface water conveyance pipe, a flood retention basin, and fencing (see EAW Figure 3).

3. The surface water control structure would be constructed under Granada Avenue North, which would divert water into a .74-mile surface water conveyance pipe. The conveyance pipe would generally run south along Granada Avenue North, east along County Road 14, and south under County Road 14 to the 3-acre flood retention basin where water would then be re-introduced into the natural flow of the watershed. The conveyance pipe would bypass the Abresch Disposal Site, thus bypassing PFAS detected within the Site. This would reduce the discharge of PFAS in surface water and improve downstream surface water quality in the Twin Cities East Metropolitan area.

4. A fence extension would be constructed along a portion of the property boundary of the Site. The purpose of the fence is to maintain land use controls which limit public access to the Site for protection of human health and the environment and is required via the Oakdale Disposal Sites enrollment in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) cleanup program (also known as “Superfund”), in addition to a Consent Order between the United States Environmental Protection Agency (EPA), the Minnesota Pollution Control Agency (MPCA), and 3M.

5. The proposed project requires preparation of a State Environmental Assessment Worksheet (EAW) according to the rules of the Minnesota Environmental Quality Board (EQB), Minnesota Rules (Minn. R.) 4410.4300, Subp. 27(A), Public waters, public water wetlands, and wetlands.

6. The DNR Environmental Review Unit is the Responsible Governmental Unit (RGU) in the preparation and review of environmental documents related to the 3M Oakdale Surface Water Diversion Project. See Minn. R. 4410.0500, subp. 1.

7. The DNR prepared an EAW for the proposed project. See Minn. R. 4410.1400 and 4410.4300, subp. 27(A).

8. The DNR filed the EAW with the EQB, and a notice of its availability was published in the *EQB Monitor* on May 27, 2025. A copy of the EAW was sent to all persons on the EQB Distribution List, to those persons known by DNR to be interested in the proposed project, and to those persons requesting a copy. A statewide press release announcing the availability of the EAW was sent to newspapers, radio, and television stations. A copy of the EAW was distributed to the following locations: the Oakdale Public Library (paper copy), the Hennepin County Library (electronic copy), and the DNR Library (electronic copy). The EAW was also made available to the public via posting on the DNR's website. See Minn. R. 4410.1500.

Public Comment Period and Response to Comments

9. The 30-day EAW public review and comment period began May 27, 2025, and ended June 26, 2025. Written comments on the EAW could be submitted to the DNR via email or by U.S. mail. *See* Minn. R. 4410.1600.

10. During the 30-day EAW public review and comment period, the DNR received ten comment letters on the EAW. The agencies and individuals who submitted comments are listed below.

Commenter Name	**Organization**	**Comment ID**
Scott A. Angove	individual commenter	¶ 12
Christopher Scott	individual commenter	¶ 13
Pete Boisclair	individual commenter	¶ 14
Monica Stiglich	Oakdale Representative, 3M Water Settlement Work Groups	¶ 15
Avis Peters	Baytown Township Board of Supervisors, Seat 3	¶ 16
Edward H Marchan	President, Board of Managers, Valley Branch Watershed District (VBWD)	¶17 A - G

Commenter Name	Organization	Comment ID
Chris Green	Minnesota Pollution Control Agency (MPCA)	¶ 18
Stan Karwoski	Washington County Commissioner, Chair	¶ 19 A - M
Angela R. Torres	Metropolitan Council	¶ 20 A - E
Regina Burstein	Minnesota Department of Transportation	¶ 21 A - D

11. The DNR has addressed comments that addressed the accuracy and completeness of the material contained in the EAW, potential impacts that may warrant further investigation before the project is commenced, and the need for an EIS on the proposed project. See Minn. R. 4410.1600. Many of the comments received did not address these issues, but rather asked questions for clarity, provided thoughts or suggestions, or provided more insight on permitting authority and requirements. Comment letters are summarized below (*See* ¶¶ 12 through 21) with the RGU's response following. Copies of all comments will be provided to the project proposer and to permitting and/or approval entities and/or authorities for their consideration as part of the permitting, approval, and/or implementation processes.

12. Scott A. Angove stated that the Abresch Site requires immediate and thorough remediation, not a piped bypass and asks that instead of 3M proposing projects to remediate the issues, that the DNR issue 3M a fine, and then handle the cleanup itself.

    Response: Thank you for your comment. Remediation of the Abresch Disposal Site is not under the authority of the DNR, but rather under the authority of the MPCA and the EPA. History of the Oakdale Disposal Site, including the Abresch Site, and remediation history is discussed in EAW Item 6b. 3M has entered into a Settlement Agreement and Consent Order with the MPCA for remedial investigations and response actions to address the presence of PFAS. This project is a result of that work. In addition, the Minnesota Attorney General sued 3M in 2010, alleging that the company's production of chemicals known as PFAS had damaged drinking water and natural resources in the Twin Cities Metropolitan Area. The lawsuit was settled in 2018, with a settlement that included funds administered by the MPCA and the DNR as co-trustees to be spent on drinking water and natural resource projects within the Twin Cities East Metropolitan Area.

13. Christopher Scott stated that the project should not be allowed and states that all water needs of 3M should be closed loop systems; 3M should be reusing water and not discharging any of it back into the wild. This means they should build their own water filtration and treatment system, and that 3M should be closely monitored to never dump anything but the purest water for any reason.

    Response: Thank you for your comment. The proposed project is not related to water needs or use by 3M. The purpose of the project is to minimize the amount of stormwater runoff that encounters elevated PFAS concentrations at the Abresch Site by installing a pipe upstream of the Site, so that surface water would bypass the disposal site where PFAS is present in soil and groundwater and could otherwise contaminate surface water that would flow across the Site to waters downstream. (See EAW Figure 3). The project description is discussed in EAW Item 6 and in ¶¶ 3 and 22A of this document.

14. Pete Boisclair stated that they support the proposed project as it appears to prevent further excess PFAS contamination of the groundwater and other waterways by reducing the amount of water that enters the contamination site. They encourage that all possible measures be taken to ensure this pipe goes well outside of this area and does not have any chances of PFAS contaminants seeping in through any potential leaks in the pipeline. They also encourage the use of phytoremediation wherever possible to aide in the reduction of PFAS from the impacted landscape.

    Response: Thank you for your comment. The objectives for the proposed diversion project are focused on minimizing the amount of stormwater runoff that encounters elevated PFAS concentrations at the Site to improve source control and reduce discharge from the Site. In addition, the proposed diversion pipe is designed to prevent infiltration of water from the impacted area. Since this specific project is focused on better containment of PFAS at the Site, it does not consider remedial or treatment measures such as phytoremediation. It is noted that research is advancing rapidly for this topic and other emerging remedial technologies for controlling or treating PFAS. The comment will be provided to the proposer and the MPCA for their consideration in future efforts and as technologies evolve.

15. Monica Stiglich asked if applicable Watershed Districts have been included in the planning and approval for this project?

    Response: Thank you for your comment. The VBWD is the local government unit (LGU) administering the Wetland Conservation Act (WCA) which is listed in EAW Item 9 as an organization requiring permits. A pre-application meeting was held where the project and permit requirements were discussed. Approvals from VBWD would be required prior to the start of the proposed project. See also ¶17 and ¶23 below.

16. Avis Peters stated that they support the proposed project. They note that Baytown Township has had a lot more PFAS positive wells in the past six months. This diversions project makes sense to prevent more spread of PFAS as it flows to the St. Croix River.

    Response: Thank you for your comment.

17. Edward H. Marchan submitted comments on behalf of the VBWD. A summary of the comments follow:
    a. The commenter notes that the Oakdale Disposal Site has been a source of pollution to surface and ground water for many years and that the MPCA and 3M have been slow to address the problem. The commenter notes that while the proposed project is expected to reduce PFAS leaving the Site, it will not eliminate it. However, they look forward to this first step and encourages the MPCA and 3M to move quickly to eliminate the source of PFAS within VBWD and restore waters and habitats due to pollution.

        Response: Thank you for your comments. Comment noted.

    b. The commenter provides comments related to VBWD permitting authority, stating that the VBWD has its own rules regarding wetlands, stormwater, management, erosion control, floodplain management, as well as other topics. The commenter also notes that the proposed project would necessitate a permit from the VBWD (as noted in EAW Item 9) and must demonstrate compliance with all applicable rules.

        Response: Comment noted. The VBWD permitting authority is listed in EAW Item 9, and in ¶ 23 below.

    c. The commenter notes that while this may not directly impact the project, it is important to note that the Minnesota DNR GIS layer "Regions Prone to Surface Karst Feature Development" has identified part of the Site, near Hadley Avenue, as prone to surface karst feature development (carbonate formation).

        Response: See ¶ 22c below.

    d. The commenter states that the EAW correctly states that Eagle Point Lake is the nearest downstream surface water on the MPCA 303(d) Impaired Waters list. However, Lake DeMontreville and Lake Jane, 2 miles northeast, are the nearest surface waters to the Site listed as impaired. They are listed as impaired for mercury, and Lake Jane is also listed as impaired for fish bioassessment. The Site drains to Eagle Point Lake, Lake Elmo, and Lake St. Croix, all on the MPCA 303(d) Impaired Waters list for perfluoroctanesulfonic acid (PFOS).

        Response: Comment noted. Lake Elmo and Lake St. Croix are downstream of Eagle Point Lake and are on the MPCA 303(d) Impaired Waters list for PFOS.

    e. The commenter stated that the EAW Item 12.a.i. mentions Table 11, however this table was not in the EAW.

        Response: Table 11 was inadvertently omitted from the EAW and is provided below. As described in the EAW, the monitoring results show that for many PFAS, the concentrations of surface water increase one to two orders of magnitude as it flows through the Site.

Analyte*	Location	Sample Count	% Non-Detect	Minimum Detection (ng/L)	Maximum Detection (ng/L)	Mean (ng/L)
PFOS[1]	SW30	16	0%	7.8	40.8	17
PFOS	SW01	25	0%	12	12000	3400
PFOA[2]	SW30	16	6%	4.2	43	17
PFOA	SW01	25	8%	4.2	4100	1400
PFHxS[3]	SW30	16	38%	2	4.9	3
PFHxS	SW01	25	20%	5.8	250	110
PFBA[4]	SW30	16	0%	28	145	61
PFBA	SW01	25	4%	40	1000	480
PFBS[5]	SW30	16	19%	2.4	6.5	4.2
PFBS	SW01	25	40%	2.7	107	42
PFHxA[6]	SW30	16	19%	3.1	11	6.6
PFHxA	SW01	25	16%	8.2	330	140

*Chemical names: [1:] Perfluorooctanesulfonic acid (PFOS) ; [2] Perfluorooctanoic acid (PFOA); [3] Perfluorohexanesulfonic acid (PFHxS); [4] Perfluorobutanoic acid (PFBA); [5] Perfluorobutanesulfonic acid (PFBS); [6] Perfluorohexanoic acid (PFHxA).

f. Commenter notes that the EAW states that Project 1007 identified concentrations of PFAS. The commenter adds that they believe that the MPCA identified PFAS concentrations that are higher near the Site than downstream.

Response: Comment noted. PFAS concentrations are generally higher closer to the Site and get more diluted moving downstream.

g. Commenter states that signs indicating contamination should be installed along the fence.

Response: Comment noted. The suggestion will be shared with the proposer and permitting authorities.

18. The MPCA provided a comment related to EAW Graphic 2, stating the 1993 - 2023 trend counters the long-term projections that there will be an increase in precipitation, and states that looking at a 10-year period for climate is not representative of the long-term trend.

    Response: Thank you for your comment. Comment noted.

19. Washington County departments of Public Health and Environment and Public Works reviewed the EAW and provided comments. A summary of the comments follow:
    a. Commenter requests that 3M communicates with all parties on project aims, outcomes, and methods to limit confusion.

       Response: Thank you for your comments. Comment noted.
    b. Commenter suggests adding information to EAW Item 7, regarding increase in frequency and magnitude of large rain events.

       Response: The changes in frequency and intensity of rain events were considered by 3M in their analysis. To inform the project design, modeling to evaluate 0.5-inch, 1-inch, 1-year, and 2-year rain events was completed (see EAW Item 12.b.iv.a.and EAW Appendix B). The project would convey up to a 100-year storm event. However, storm events larger than a 100-year event would bypass the stormwater conveyance structure and would continue to drain through the disposal site.
    c. Commenter expressed concern for soil management and preventing contamination from migrating.

       Response: See response in ¶ 19D.
    d. Commenter notes that the EAW discusses reuse of excavated soils on site. Commenter asks about how onsite soils would be evaluated for contamination and soil management.

       Response: 3M would prepare a Soil and Water Management Plan for MPCA review and approval. The Soil and Water Management Plan would: identify the soils that require off-site disposal, detail the methods for screening soils to verify they can be re-used, and would include a contingency section for actions to take in the event that unanticipated impacts are discovered during construction. Soil management would need to comply with MPCA approvals including the Site's Environmental Covenant and the Resource Conservation Recovery Act (RCRA).
    e. Commenter states that plans identify several areas where fill will be needed to ensure three feet of cover over the pipe. This grading work should be identified in the plans to ensure drainage is maintained and all impacts are accounted for.

       Response: Comment noted. The comment will be shared with the proposer and permitting authorities, along with the environmental review decision document.

f. Commenter suggests that 3M coordinate with neighboring residents regarding tree clearing.

Response: Comment noted. The comment will be shared with the proposer and permitting authorities.

g. Commenter states that the crossing of Hadley Avenue may impact County signal system infrastructure and recommends coordination with Washington County.

Response: Comment noted. The comment will be shared with the proposer and permitting authorities.

h. Commenter notes that the crossing of County State Aid Highway (CSAH) 14 may require a closure of CSAH 14 and recommends coordination with Washington County.

Response: Comment noted. The comment will be shared with the proposer and permitting authorities.

i. Commenter notes that 3M would be responsible for all future Gopher State One Call locating responsibilities for this pipe.

Response: Comment noted. The comment will be shared with the proposer and permitting authorities.

j. Commenter notes that the proposed pipe has extremely low gradient and minor settlement or heaving is very possible causing reverse flows through sections of pipe and that 3M would be responsible for all future maintenance responsibility to correct and maintain proper drainage of the pipeline.

Response: Comment noted. The comment will be shared with the proposer and permitting authorities.

k. Commenter notes that the pipeline would require a Washington County Right of Way (ROW) Permit to be approved before any construction activity may begin.

Response: Comment noted. The need for a ROW permit is listed in the EAW Permits and Approvals table in EAW Item 9, and in ¶ 23 below.

l. Commenter notes that 3M would be responsible for all private and public utility relocations, including existing storm sewer facilities, necessary to construct this pipeline.

Response: Comment noted. The comment will be shared with the proposer and permitting authorities.

m. Commenter notes that 3M would be responsible for all costs to replace CSAH 14 infrastructure impacted with the pipeline project.

Response: Comment noted. The comment will be shared with the proposer.

20. The Metropolitan (Met) Council offered the following comments:

a. Climate: Met Council states that the discussion of anticipated climate trends is adequate and encourages the project proposer to consider the impacts of increased intensity and frequency of storm events associated with climate change, and whether this warrants any project adaptations to ensure efficacy.

Response: Thank you for your comments. See response to ¶ 19b.

b. Wastewater: Commenter states that the EAW correctly lists an Industrial Waste Discharge Permit from the Metropolitan Council Environmental Services (MCES) as a

requirement for this project that will need to be approved by the MCES prior to the actual discharge.

Response: Comment noted. This permit is listed in EAW Item 9 and in ¶ 23 below.

c. Surface water: Met Council encourages long-term monitoring of the wetlands in coordination with the VBWD and the DNR to track the hydrology and vegetation and ensure there are no negative impacts to the function and value of these resources.

Response: Comment noted. In order to document whether or not indirect wetland impacts occur and to verify the extent of the potential impacts, 3M is proposing to conduct wetland hydrology monitoring, vegetation monitoring, and wetland boundary documentation. A monitoring plan has been developed and has been shared with the VBWD and the DNR. Monitoring would be a condition of both VBWD and DNR Work in Public Waters permits.

d. Water supply: The commenter recommends that EAW Item 10 should include information on the Minnesota Department of Health designated Lake Elmo/Oakdale Special Well and Boring Construction Area, and the designated Oakdale and North St. Paul wellhead protection area, noting that the groundwater beneath the project area is utilized by municipal wells serving over 40,000 people.

Response: Comment noted. The project does not involve the construction, repair, or sealing of regulated wells within the Special Well and Boring Construction Area (SWBCA); conflicts with the SWBCA requirements are not anticipated. The wellhead protection area is discussed in EAW Item 12.a.ii. and shown in EAW Figure 12. The project would not affect groundwater contamination within the wellhead protection area.

e. Karst: Met Council notes that karst may exist in the community and that karst features have been mapped in communities to the north, east, and south, and references the GIS data layer 'Minnesota Regions Prone to Surface Karst Feature Development.

Response: See ¶ 22c below.

21. The Minnesota Department of Transportation (MnDOT) offered the following comments:

a. Maintenance: The project proposers should notify the MnDOT Bridge Office so that they can detour traffic that needs to get to this facility.

Response: Comment noted. The comment will be shared with the proposer so that they are aware of the need for coordination.

b. Traffic: The proposed project could have impacts on the main trunk line going to the MnDOT Bridge Office and on the signal system in the vicinity. Project proposers should coordinate with Washington County before construction.

Response: Comment noted. The comment will be shared with the proposer so that they are aware of the need for coordination with Washington County regarding the project and need for detours, impacts on the signal system, or other related concerns.

c. Water resources: A MnDOT drainage permit is required. The permit needs to demonstrate that the off-site runoff entering MnDOT drainage systems and /or ROW would not increase. Information on what information is needed to include with this permit is also provided.

Response: The need for a MnDOT Drainage Permit has been added to the list of permits and approvals in ¶ 23 below. This information will be shared with the proposer.

d. Permits: Any work that affects MnDOT right of way will require an appropriate permit.

Response: The need for a MnDOT Right of Way Permit has been added to the list of permits and approvals in ¶ 23 below. The comment will be shared with the proposer.

Environmental Effects

22. Based upon the information contained in the EAW and received as public comments, the DNR has identified the following potential environmental effects associated with the project:
    a. Project Construction and Design;
    b. Cover types;
    c. Geology, Soils, and Topography/Land Forms;
    d. Water resources (waters, wetlands, water quality);
    e. Contamination/Hazardous Materials/Wastes;
    f. Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features);
    g. Air; and
    h. Noise.

a. Project Construction and Design: This topic was addressed in EAW Item 6.

Construction of the proposed project would include several aspects: installing a surface water control structure, surface water conveyance pipe, a flood retention basin, and fencing (see EAW Figure 3).

Surface Water Control Structure: A surface water control structure is proposed east of Granada Avenue North in the road ROW to capture the water from the culvert and convey it into a surface water conveyance pipe. The surface water control structure would be located within the existing 30-inch reinforced concrete pipe (RCP) culvert. Construction would occur in an open excavation eastward of the existing sidewalk. There would be no modifications to the existing flared-end sections on either end of the existing 30-inch RCP. The excavated area under the surface water control structure would be regraded to match existing grades in the 30-inch RCP. The final grading of the ground surface would be re-graded to its pre-existing contours and seeded with a native seed mix. No fill would be required as part of the construction of the surface water control structure.

Surface Water Conveyance Pipe: The proposed surface water conveyance pipe would be approximately 0.74 miles long and would be made of RCP. The conveyance pipe would consist of

either a 48-inch diameter pipe or an alternative, such as dual pipes or arch pipe with the same capacity to accomplish soil cover or utility conflicts. The surface water conveyance pipe would begin at the surface water control structure, travel south to the intersection of Granada Avenue North and County Road 14, turn east and cross under the ditch just south of Wetland H (PWI #82-401W), and continue to the north side of County Road 14 to Hadley Avenue North. At Hadley Avenue North, the pipe would travel north and cross Hadley Avenue, the pipe would continue south where it would cross County Road 14 on the east side of Hadley Avenue North, and discharge water to the proposed flood retention basin. Water would move through the surface water conveyance pipe using gravity flow from the surface water control structure to the proposed flood retention basin.

The surface water conveyance pipe would be installed using an open trench method with revegetated soil cover over the pipe. A trench box would be used to reduce the size of the excavation. The contractor would begin construction by removing vegetation within the construction limits and strip topsoil to a minimum depth of 12 inches. Excavating in uplands would likely occur using a backhoe excavator or a rotary wheel ditching machine. Soil that is excavated from the limits of the Abresch Site would be transported to an approved offsite landfill. The soil excavated for the surface water conveyance pipe outside of the limits of the Abresch Site would be used to back fill the surface water conveyance pipe trench, and any excess soil would be transported offsite for disposal.

Flood Retention Basin: The land where the flood retention basin is proposed for construction includes Wetland U, an existing wetland area, which would be expanded by 1.53 acres to construct the proposed flood retention basin. The surface water conveyance pipe would outlet in the northwest corner of the flood retention basin. The surface water conveyance outlet would be constructed in an upland location. Surface water would discharge from the flood retention basin through an RCP manhole outlet structure located south of the flood retention basin. The outlet structure would include a 48-inch RCP gravity storm sewer pipe with an RCP flared-end section and a riprap energy dispersion apron.

Construction of the flood retention basin would include excavation of the upland area around Wetland U and grading along the edge of the existing wetland (see EAW Figure 3). The excavated soil from the construction of the flood retention basin that cannot be used on-site for grading would be transported off-site for disposal. After construction is complete, the flood retention basin would be inspected annually for debris and sediment accumulation. Significant sediment accumulation is not anticipated, but sediment cleanout could be necessary every 10-20 years.

Fence: 3M is also proposing to construct a fence extension along a portion of the property boundary of the Site.

Approximately 0.74 mile of fence would be constructed across Wetland A (see EAW Figure 3). The posts would be driven 72 inches below the ground surface and spaced a maximum of 10 feet apart. The fence would consist of a galvanized chain link fence approximately 6 feet tall with 2-inch galvanized steel posts. There would be a 10-foot-wide gap at the ditch crossing to allow the ditch to flow unimpeded. During construction, the fence work area would be accessed via an existing access road through the property to minimize disturbances to wetland areas. The fence would be installed during frozen ground conditions to minimize disturbance. Additionally,

all equipment would be staged outside of wetland areas. Before installing the fence, the vegetation within a 10-foot buffer of the fence centerline would be mechanically removed using a mower or chainsaw. After the vegetation has been cleared, the contractor would install the fence posts using a skid loader with a mounted post driver. Approximately 92 posts would be installed within the wetland boundary. No generation of excess soil is anticipated, and no fill would be placed within the wetland as part of fence installation activities. After the posts have been set, the chain link would be attached to the posts. Construction of the fence through the wetland area is anticipated to last one week.

Schedule and regulatory authority: It is anticipated that construction would begin in 2026. Construction of the surface water control structure, surface water conveyance pipe, and flood retention basin is estimated to be completed by the end of 2026. The fence would be constructed in February 2026 during frozen ground conditions. The proposed project is subject to the regulatory authority of permits discussed in ¶ 23 below.

b. Cover types: This topic was addressed in EAW Item 8.

Based on the preliminary project design, constructing the 1.53-acre flood retention basin would convert upland (grass/shrubs/tree canopy) to wetlands, and forest lands to grasslands. In addition to these permanent cover type changes, approximately one acre of Wetland P would be temporarily impacted due to excavation for the surface water conveyance pipe. Wetland P is located within the County Road 14 ditch and is regulated under the Minnesota Wetland Conservation Act (WCA). After the surface water conveyance pipe is installed, Wetland P would be re-graded to its pre-existing contours and seeded with a native seed mix.

Permanent impacts to soil resources within the construction limits would occur during excavation to accommodate the surface water control structure, surface water conveyance pipe, and flood retention basin. Excavated soil would be sampled and depending on the analytical results, the soil would either be reused or disposed of at an approved facility. Temporary impacts to soil resources would occur during ground disturbing activities associated with installation of the surface water conveyance pipe. Topsoil would be stripped to a minimum depth of 12 inches. Ground disturbance would be limited to the extent possible to minimize the potential for erosion. Temporary erosion and sediment control best management practices (BMPs) would be installed and designed to minimize erosion onsite and to prevent construction-related sediment from migrating offsite. Areas of temporary disturbance would be restored to pre-construction conditions following construction activities. The proposed project is subject to the regulatory authority of permits discussed in ¶ 23 below.

c. Geology: This topic was addressed in EAW Item 11.

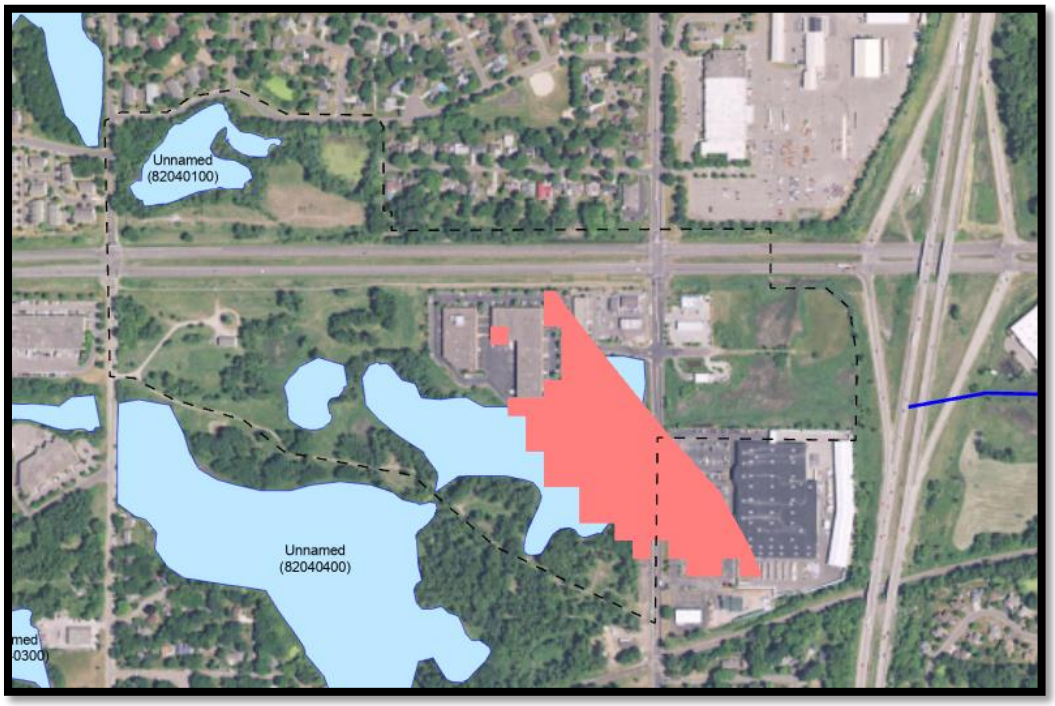
Permanent impacts to soil resources within the construction limits would occur during excavation to accommodate the surface water control structure, surface water conveyance pipe, and flood retention basin. Impacts would be limited to the area where excavation is required. Excavated soil would be sampled and depending on the analytical results, the soil would either be reused or disposed of at an approved facility (see also ¶ 19D). Temporary impacts to soil resources would occur during ground disturbing activities associated with

installation of the surface water conveyance pipe. Topsoil would be stripped to a minimum depth of 12 inches. Ground disturbance would be limited to the extent possible to minimize the potential for erosion. Temporary erosion and sediment control best management practices (BMPs) would be installed and designed to minimize erosion onsite and to prevent construction-related sediment from migrating offsite. Areas of temporary disturbance would be restored to pre-construction conditions following construction activities.

Two commenters noted that the DNR GIS data layer "Regions Prone to Surface Karst Feature Development" shows carbonate bedrock underlying the project area that crosses Hadley Avenue and overlaps with Wetland A and Pond A that may be prone to karst feature development (see image below, the project areas is shown by the black hashed lines, areas in blue are public water wetlands, the area in red/orange represents the carbonate layer).

The proposed stormwater diversion pipe and flood retention basin would be located outside of the delineated karst area; fencing would be installed within the mapped karst area. Approximately 92 fence posts would be installed within the wetland boundary, with the posts driven 72 inches below the ground surface.

Of 50 verified wells in the area (from the County Well Index), five encountered bedrock at depths below ground surface ranging from 42 to 81 feet. These wells indicate bedrock is deeper than the proposed construction activities in the project area. Project activities would not reach a depth greater than 72 inches for the fence. Excavation for the diversion pipe would be approximately 10 to 20 feet below ground surface for the majority of its length; therefore, the proposed project would not encounter bedrock and pose little risk with respect to karst.



d. Water resources: This topic was addressed in EAW Item 12.

To minimize the amount of stormwater runoff that encounters elevated PFAS concentrations at the Site, the Project would alter the existing drainage pattern from the north subwatershed, diverting about 44 percent of its drainage area around the Site to Wetland T (see EAW Figures 3, 4, and 10). The drainage pattern after stormwater leaves Wetland T would not be changed by the Project. The surface water that would be diverted around the site could have an indirect impact on Wetlands A, H, and T. These impacts would be subject to the state and federal regulatory authority of permits discussed in ¶ 23. In addition, as discussed in ¶ 20c, wetland monitoring would be required as part of the DNR and VBWD permits.

The Project would result in temporary wetland impacts to wetland P during construction (see EAW Figure 10 and ¶ 22b). During construction, there is the potential for temporary water quality/stormwater pollution due to construction. Post construction, the project would reduce the discharge of PFAS in surface water from the Site which would improve the surface water quality downstream, which is the purpose of the project. The proposed project is subject to the state and federal regulatory authority of permits discussed in ¶ 23, including erosion control requirements, wetland impacts and public water impacts.

e. **Contamination/hazardous Materials/Wastes:** This topic was addressed in EAW Item 13.

The Site is part of the Oakdale Disposal site, a state and federal Superfund site. Contamination within the Site includes Volatile Organic Compounds (VOCs) and PFAS. Contamination from soil disturbance during construction could result; following MPCA soil management guidance would minimize the risk associated with earthwork activities, including transporting contaminated soil excavated from the Site to the landfill. A Soil and Water Management Plan would be submitted to the MPCA for review and approval (see ¶ 19D above). Impacts would be controlled by compliance with MPCA approvals, related to RCRA and the Site's environmental covenants.

Additional contamination from construction could occur from spills from fuels from construction equipment. Hazardous material storage would include secondary containment of fuels during construction of the Project. Fuels, oils, lubricants, and other materials typically used by construction equipment would be used. Refueling spills and equipment failures could introduce hazardous materials into soil and surface waters during construction. The amounts of fuel and other lubricants and oils would be limited to that needed by the equipment onsite. Supplies and equipment needed to quickly limit any spills or equipment failure would also be located onsite. To minimize the likelihood of potential spills and leaks of petroleum and hydraulic fluids during project construction, equipment would be inspected daily for spill or leaks, fuels for construction would be stored at staging areas in upland locations, and equipment refueling and maintenance would be performed in locations away from the three lagoons. In addition, the contractor would be required to use double-walled tanks or secondary containment for single-walled tanks used to store petroleum products onsite. Any bulk lubricants would also be stored with secondary containment protection. All petroleum and lubricant storage containers would be inspected on a weekly basis and the inspections would be documented.

f. **Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features):** This topic was addressed in EAW Item 14.

The proposed project would reduce the concentrations of PFOS and other PFAS downstream of the Site, which would benefit aquatic organisms and associated foodwebs in these aquatic habitats.

The Project may have minor temporary indirect impacts on wildlife within and adjacent to the construction limits due to increase noise and construction activity. Species, even those accustomed to human activity, could temporarily abandon habitats within and near the construction limits until the work is completed. These temporary impacts are not expected to have significant impacts on individuals or populations. Direct impacts on ground nesting birds could occur should nests be present within the surface water conveyance pipe corridor or flood retention basin area during Project construction. To minimize impacts to ground nesting birds, surveys would be conducted prior to ground disturbing activities or project construction would occur outside of the breeding season.

Permanent impacts to vegetation/habitat would occur for construction of the flood retention basin. Temporary impacts to vegetation/habitat within a 50-foot corridor along the surface water conveyance pipe would occur during construction. To minimize impacts to vegetation/habitat, following installation of the surface water conveyance pipe, the 50-foot corridor would be seeded with an approved native seed mix.

Habitat suitable for Clinton's bulrush, a state-listed threatened species, may be present within and adjacent to the construction limits. Potential impacts to Clinton's bulrush individuals could occur should they be present in areas of ground disturbance. A qualified surveyor is scheduled to conduct surveys for Clinton's bullrush within the activity impact area. If the species is determined to be present, the proposer would need to obtain an approved avoidance plan for this species or acquire a permit for the take of endangered or threatened species from the DNR, which has been added to the list of Permits and Approvals in ¶ 23 below.

Habitat suitable for Blanding's turtle, a state-listed threatened species, is present within and adjacent to the construction limits and depending upon season, active or hibernating Blanding's turtles could be present. If construction occurs when Blanding's turtles are active, direct impacts could occur should any be present within the construction limits. There would be no direct water level impacts on wetlands that would be considered suitable Blanding's turtle overwintering habitat and construction would not directly disturb these wetlands. Potential impacts to Blanding's turtles would be minimized by conducting construction activities in the winter months when Blanding's turtles are hibernating in wetlands and ponds outside of the project area. Construction would be limited to the road ROW and construction of the flood retention basin. In addition, a number of other measures (that were provided within the DNR Natural Heritage Review letter) are proposed to avoid potential impacts to Blanding's turtles, as described in EAW Item 14d.

g. **Air:** This topic was addressed in EAW Item 17.

Construction of the proposed project would result in intermittent and temporary on- and off-road mobile source emissions of criteria pollutants. These emissions generally include combustion emissions from construction vehicles or equipment. Measures would be taken to reduce vehicle idling to reduce emissions. It is not anticipated that construction activities would significantly contribute to an emission level that alters the air pollution score. In addition, dust could be generated from soil disturbing activities. The amount of dust generated would be dependent on several factors, including construction activity, soil type, soil moisture content, etc. Should construction activities generate problematic dust levels, 3M may employ construction-related practices to control fugitive dust such as application of water on unpaved areas subject to frequent vehicle traffic, reducing the speed of vehicular traffic on unpaved roads, and covering open-bodied haul trucks and stockpiles.

h. **Noise:** This topic was addressed in EAW Item 19.

Construction noise is expected to be temporary and limited to the noise generated by equipment and workers accessing the construction area. The equipment associated with the proposed Project is anticipated to include general earthmoving equipment (dozers, loaders, excavators, skid-steers, etc.), chainsaws, and trucks used to haul materials to and from the construction area. In accordance with the City of Oakdale Municipal Code Chapter 19 Section 19-4, construction activities would be conducted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays or between 9:00 a.m. and 5:00 p.m. on Saturdays; no work would occur on Sundays or public holidays.

Permits and Approvals

23. The following permits and approval are, or may be needed, for the project:

Unit of Government	Type of Application	Status
United States Army Corps of Engineers	Clean Water Act Section 404 Permit	To be submitted, if needed
United States Fish and Wildlife Service	Section 7 consultation (required for Section 404 process)	To be submitted, if needed
State Historic Preservation Office	Section 106 consultation (required for Section 404 process)	To be submitted, if needed
Minnesota Pollution Control Agency	• Project Review • NPDES/SDS Construction Stormwater Permit • Section 401 Water Quality Certification	To be submitted To be submitted To be submitted, if needed
Minnesota Department of Natural Resources	• Work in Public Waters • Water Appropriation Permit (for construction dewatering) • Endangered species Take permit	To be submitted To be submitted To be submitted, if needed
Minnesota Department of Transportation	• Drainage Permit • Right of Way Permit	To be submitted To be submitted
Metropolitan Council Environmental Services	Special Discharge Permit (for trench dewatering)	To be submitted
Valley Branch Watershed District	• Valley Branch Watershed District Permit Application • Wetland Conservation Act Determination Permitting	To be submitted
Washington County	• Detour Coordination • DOT Review • ROW Permit	To be submitted
City of Oakdale	• ROW permit • Grading and Filling Perming	To be submitted

Conclusions

1. The Minnesota Environmental Review Program Rules, Minn. R. part 4410.1700, subparts 6 and 7, set forth the following standards and criteria to compare the impacts that may be reasonably expected to occur from the project in order to determine whether it has the potential for significant environmental effects.

   In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

   A. *type, extent, and reversibility of environmental effects;*

B. *cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the Proposer to minimize the contributions from the project;*

C. *the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and*

D. *the extent to which environmental effects can be anticipated and controlled as result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.*

2. *Type, extent, and reversibility of environmental effects*.

Based on Findings of Fact above in ¶ 22, the DNR concludes that the following types of potential environmental effects, as described in the Findings of Fact, would be limited in extent, temporary, or reversible:

- Project Construction and Design;
- Cover types;
- Geology, Soils, and Topography/Land Forms;
- Water resources (waters, wetlands, water quality);
- Contamination/Hazardous Materials/Wastes;
- Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features);
- Air; and
- Noise.

3. *Cumulative potential effects.*

The nature of the project area is defined by past actions. As noted in EAW Items 6 and 13 the project lies within the Oakdale Superfund Site. Contamination within the Site includes VOCs and PFAS. The Site has a long history of investigations and remediations. In 2007, 3M entered into a Settlement Agreement and Consent Order with the MPCA for remedial investigations and response actions to address the presence of PFAS. The project is proposed to address migration of PFAS from the Site downstream. By implementing this Project, 3M would collect water, bypass the PFAS detected at the Site, and return non-PFAS impacted surface water to the watershed.

Based on information contained in the EAW and comments submitted on the EAW, the DNR is unaware of any reasonably foreseeable future projects, for which a basis of expectation has been laid, that combined with environmental effects of the proposed project may result in significant potential for environmental effects.

4. *Extent to which environmental effects are subject to mitigation by ongoing public regulatory authority*.

   Based on the Findings of Fact set forth in ¶¶ 12 through 22 above and the information contained in the EAW, DNR concludes that there is sufficient ongoing public regulatory authority and specific measures identified that can be expected to effectively address the following environmental impacts:

   - Impacts on water resources are subject to regulatory authority by the DNR Public Waters Work Permit, the U.S. Army Corps of Engineers Section 404 permit, and the Wetland Conservation Act determination.
   - Impacts to water resources from erosion, sedimentation, and water quality due to construction-related activity are subject to regulatory authority by the MPCA NPDES/ Construction Stormwater Permit, Clean Water Act 401 Water Quality Certification and VBWD permits.
   - Impacts to rare resources (endangered and threatened plant species) would be subject to the DNR's authority under the Minnesota Endangered Species laws, if applicable.
   - Impacts from soils from excavation would be subject to MPCA approval of the Soil Management Plan.

   Permits and Approvals: Prior to initiation of this project, the permits and approvals identified in Finding ¶ 23 would be required. When applying the standards and criteria used in the determination of the need for an environmental impact statement, DNR finds that the project is subject to these regulatory authorities to an extent sufficient to mitigate potential environmental effects through measures identified in the EAW and Record of Decision.

5. *Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or other EISs*.

   Environmental Studies undertaken by the proposer or other organizations and agencies include the following:

   - Stantec Consulting Services Inc. Wetland Delineation Report: Sections 17, 18, & 19 Township 29N, Range 21W, Oakdale, Minnesota. November 2023. Prepared for 3M.
   - Barr Engineering. Draft Modeling Summary. 3M Oakdale Surface Water Diversion Project, September 2024.
   - Midwest Natural Resources. Rare plant survey. June 2025. *Report pending.*

6. As set forth in ¶¶ 1 – 9, the DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an EIS on the proposed 3M Oakdale Surface Water Diversion Project, Washington County, Minnesota.

7. Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules (*Minnesota Rules* part 4410.1700, subparts 6 and 7) to determine whether a project has the potential for significant environmental effects, and on the Findings and Record

in this matter, the DNR determines that the proposed 3M Oakdale Surface Water Diversion Project does not have the potential for significant environmental effects.

Order

Based on the above Findings of Fact and Conclusions:

The Minnesota Department of Natural Resources determines that an Environmental Impact Statement **is not** required for the 3M Oakdale Surface Water Diversion, located in Washington County, Minnesota.

Any Findings that might be properly termed Conclusions and any Conclusions that might be properly termed Findings are hereby adopted as such.

Dated this __**18th**__ day of **July 2025**

DEPARTMENT OF NATURAL RESOURCES

Jess Richards

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Jess Richards
Assistant Commissioner