

STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT

City of Hastings, Minnesota,

Plaintiff,

Court File No. _____

v.

3M Company.

**COMPLAINT
JURY TRIAL DEMANDED**

Defendant.

PLAINTIFF'S COMPLAINT

Plaintiff, the City of Hastings, makes the following allegations against Defendant 3M Company.

I. SUMMARY OF THE CASE

1. The City of Hastings (“Hastings”) owns and operates public drinking water wells to provide drinking water to its residents and brings this action to address contamination of five of these wells—nos. 3, 4, 6, 7, and 8 (collectively, “public wells”)—by a toxic chemical known as perfluorooctanoic acid (“PFOA”) at levels that require treatment to comply with a new federal drinking water standard for PFOA. Defendant 3M Company (“3M”) for decades emitted substantial amounts of PFOA from smokestacks at a dedicated portion of its Cottage Grove facility where it manufactured PFOA and PFOA-based products. Since Hastings’ public wells are downwind of 3M’s PFOA smokestacks, the waste PFOA was deposited by a prevailing wind onto soils where it continues to leach into and contaminate Hastings’ public wells. As used in this Complaint, the term PFOA includes all of its salts, ionic states, and acid forms.

2. PFOA is a human-made, synthetic chemical that does not exist naturally in the environment and poses health risks at low levels.

3. PFOA bioaccumulates in the human body and exposure to certain levels of PFOA is correlated with a wide array of harmful health effects, including kidney and testicular cancer, ulcerative colitis, and adverse effects on fetal development during pregnancy, the liver, the immune system, the thyroid, and cholesterol levels.

4. PFOA is known as a “forever” chemical because it persists in the environment for a very long period of time absent steps taken to clean up the PFOA. There are well-established but very expensive technologies to clean up PFOA from Hastings’ public wells.

5. 3M concealed the fact that release of PFOA through air emissions caused the PFOA contamination of Hastings’ public wells. For example, in 2024, 3M stated that “to date any connection between the PFOA detected at Hastings and 3M’s Cottage Grove facility has not been sufficiently established.”

6. 3M knew for decades that PFOA was toxic and posed substantial health and environmental risks, but it also concealed this information from Hastings and instead misled Hastings as to whether the levels of PFOA in its public wells pose risks to human health by stating that “trace levels” of PFOA found in Hastings’ wells are “safe based on decades of research.” 3M also has publicly stated that the “research shows there are no adverse effects resulting from the low levels at which [PFOA is] found in humans and the environment.” These statements were false and had the effect of concealing important information from Hastings.

7. The United States Environmental Protection Agency (“U.S. EPA”) recently set a new maximum contaminant level (“MCL”) for PFOA in drinking water of 4 parts per trillion (“ppt”). The PFOA MCL is an enforceable standard that applies to owners and operators of

public water systems, including Hastings, and that requires treatment of water to remove PFOA that exceeds the MCL. Hastings is taking steps to build water treatment plants to address PFOA contamination of its public wells that require treatment to meet the new MCL but it is very expensive to do so. It is expected to cost tens of millions of dollars to build the treatment plants to address this PFOA contamination with substantial annual operation and maintenance (“O&M”) costs that will continue for many years.

8. 3M is liable for: causing contamination of Hastings’ public wells under Minn. Stat. § 103I.241; negligently causing PFOA contamination of Hastings’ public wells; creating a public nuisance; interfering with the comfortable enjoyment of life or property under Minn. Stat. § 561.01; and trespass upon Hastings’ public wells; strictly liable for releases of PFOA prohibited by Minn. Stat. § 115B.04; and liable for all resulting damages, including to build and operate water treatment plants to address PFOA contamination of Hastings’ public wells.

9. This Complaint alleges claims based on contamination and injuries caused only by PFOA (and/or its acids, salts, and ionic forms). Hastings hereby disclaims and confirms that it is not seeking any relief in this case with respect to perfluorooctanesulfonic acid (“PFOS”) or any other PFAS chemical besides PFOA.¹ Hastings also does not seek to recover through this Complaint any relief for contamination or injuries related to Aqueous Film Forming Foam (“AFFF”), a firefighting material in which PFOS was used as an ingredient. There is no AFFF contamination at the Hastings’ public wells at issue here as the PFAS in the wells has a chemical signature that is distinguishable from AFFF contamination; but in an abundance of caution Hastings disclaims all relief for AFFF. Hastings also hereby disclaims and confirms that it is not

¹ PFAS refers to per- and polyfluoroalkyl substances, which is a group of chemicals. PFOA is a distinct type of PFAS.

seeking any relief in this case with respect to contamination at or from any of the following sites and hereby limits all of its claims and any recovery to exclude such contamination in this case: Oak Ridge Manor located at 1199 Bahls Drive, Hastings MN; 1996 M/V Elizabeth Beesecker Barge Fire in Mississippi River; King's Cove Marina LLC located at 9 Highway 61 and 1 Kings Cove Drive, Hastings, MN; the Koch Refining Company – Hastings Terminal / Hastings DOD – POL Facility located at 420 Lock and Dam Road, Hastings, MN, and the fire training area located on the extreme west side of 3M's Cottage Grove facility near building 43. Any PFAS releases from these sites did not contaminate the Hastings public wells at issue in this case but, again in an abundance of caution, Hastings disclaims from these locations. This case is based on PFOA contamination from 3M's smokestack in the area dedicated to production of PFOA at Cottage Grove.

10. Hastings also does not seek through this Complaint to recover for any monies obtained by Hastings through the state of Minnesota's 2018 PFAS settlement with 3M.

II. PARTIES

11. Plaintiff is the City of Hastings, a municipality, home rule charter city and political subdivision of the state of Minnesota with the power to sue in its name.

12. Hastings is responsible for providing its residents with safe and reliable drinking water that meets federal and state water quality requirements.

13. Hastings provides public drinking water to approximately 23,000 of its residents and has over 7,500 public water customers.

14. Hastings has owned and operated five public drinking water wells, known as well nos. 3, 4, 6, 7, and 8, during all times relevant to this litigation. The unique ID numbers for each public well are as follows: no. 3 (206333), no. 4 (207993), no. 6 (207643), no. 7 (509053), and

no. 8 (686266). Each public well is a drilled bedrock well that extracts groundwater for use as drinking water. Hastings also has owned in fee the properties on which the public wells are located at all times relevant to this litigation with addresses in Hastings as follows: no. 3 (520 State Street), no. 4 (1309 W 23rd Street), no. 6 (850 Spiral Boulevard), no. 7 (401 W 9th Street), and no. 8 (395 E 21st Street). Hastings intends to install a new public well (no. 9) in the near future to meet additional community demand for water, among other reasons. Well no. 9 is currently budgeted for in the 2026 Capital Improvement Program with design under way.

15. Hastings' public wells are located southeast of 3M's Cottage Grove facility on the south side of the Mississippi River, while 3M's Cottage Grove facility is located to the north of the Mississippi River. Each public well is uniquely located but within a general area that is approximately several miles from 3M's facility.

16. Hastings has already spent its own monies and also has committed to spend tens of millions of dollars to build water treatment plants to address PFOA contamination of its public wells that require treatment to meet the new MCL and at least hundreds of thousands of dollars annually to maintain and operate the treatment plants.

17. Hastings timely opted out of the settlement between 3M and public water systems in *City of Camden, et al. v. 3M Company*, No. 2:23-cv-03147-RMG (D.S.C.).

18. Defendant 3M Company is a Delaware corporation with its principal place of business at 3M Center, St. Paul, Minnesota 55144.

19. To the extent any act or omission of 3M is alleged in this Complaint, the officers, directors, agents, employees, or representatives of 3M committed or authorized each such act or omission, or failed to adequately supervise or properly control or direct its employees while

engaged in the management, direction, operation, or control of the affairs of 3M, and did so while acting within the scope of their duties, employment, or agency.

III. JURISDICTION AND VENUE

20. This Court has jurisdiction over the subject matter of this action pursuant to Minn. Stat. § 484.01.

21. This Court may exercise jurisdiction over 3M because its principal place of business is in St. Paul, Minnesota. In addition, 3M is or at the relevant time was: authorized to do business in Minnesota, registered with the Minnesota Secretary of State, transacting sufficient business with sufficient minimum contacts in Minnesota, or otherwise intentionally availing itself of the Minnesota market through the manufacturing of PFOA and PFOA-based products in Minnesota so as to satisfy minimum contacts and to render the exercise of jurisdiction over 3M by the Minnesota courts consistent with traditional notions of fair play and substantial justice.

22. Venue is proper in this Court because Hastings' public wells have been contaminated, injured, and damaged by PFOA contamination in Dakota County, among other reasons. *See* Minn. Stat. § 542.02.

IV. PFOA IS TOXIC AND POSES SUBSTANTIAL HEALTH AND ENVIRONMENTAL RISKS

23. PFOA is a human-made chemical that does not occur naturally, including in the environment or in humans.

24. PFOA consists of chains of carbon and fluorine atoms that are both chemically and thermally stable; in other words, PFOA does not readily break down and can persist in the environment for a long time. For this reason, PFOA has been referred to as a “forever chemical.”

25. PFOA is a fully fluorinated organic acid with eight carbon atoms. For this reason, PFOA is sometimes referred to as C-8.

26. PFOA is now one of the most widely studied PFAS.

27. Humans can be exposed to PFOA through contaminated drinking water.

28. PFOA can bioaccumulate in human blood and organs, including the kidney and liver, for a significant period of time.

29. Because PFOA is persistent and bioaccumulative, once inside the human body, PFOA can be passed to a developing fetus through the placenta or passed to infants through breast milk.

30. PFOA exposure in humans has been linked to multiple, serious adverse health effects, including various cancers, tumors, liver damage, immune system and endocrine disorders, high cholesterol, thyroid disease, ulcerative colitis, birth defects, decreased fertility, and pregnancy-induced hypertension, depending upon one's level of exposure.

31. Human epidemiological studies, including those relied upon by U.S. EPA in studying the health risks of PFOA, have found associations between PFOA exposure and high cholesterol, increased liver enzymes, decreased vaccination response, thyroid disorders, pregnancy-induced hypertension and preeclampsia, and/or testicular and kidney cancers.

32. Recent research conducted by the National Toxicology Program of the National Institute for Environmental Health Sciences has linked certain PFOA exposures to pancreatic cancer.

33. Laboratory research has found that PFOA is toxic to laboratory animals, including reproductive, developmental, and systemic adverse effects.

34. The increasing scientific consensus is that exposure to lower levels of PFOA poses potential human health risks.

35. EPA began to investigate PFOA in or around 1998 following some limited disclosures by 3M and others.

36. As the science has continued to evolve, EPA has issued advisories on levels of PFOA that may pose risks to human health.

37. In 2009, EPA issued a health advisory regarding levels of PFOA at 400 ppt in drinking water.

38. In 2016, EPA recommended that PFOA, either alone or in combination with another PFAS, should not exceed 70 ppt in drinking water.

39. On April 10, 2024, EPA set a MCL for PFOA in drinking water at 4 ppt. In early 2025, the Trump administration announced that it was reviewing the MCL for PFOA to determine whether it would retain the MCL standard or propose changes to it. In or around May 14, 2025, the Trump administration announced that it would retain the MCL for PFOA at 4 ppt. Since the MCL is a mandatory requirement that applies to public drinking water wells including Hastings' public wells, Hastings must comply with the PFOA MCL for each of its public wells.

V. HASTINGS' PUBLIC WELLS ARE CONTAMINATED BY PFOA AT LEVELS THAT REQUIRE TREATMENT TO COMPLY WITH THE NEW PFOA MCL

40. There is PFOA contamination of public well nos. 3, 4, 6, 7, and 8 above the PFOA MCL that will require treatment of each such well to remove PFOA from drinking water. PFOA has contaminated and injured Hastings' public wells that are used for drinking water.

41. 3M has recently stated to Minnesota regulators that PFOA is the "primary driver for water treatment at the Hastings municipal wells."

42. Given PFOA's resistance to biodegradation (it does not naturally go away in the environment), solubility, and other properties and absent remediation, treatment and/or abatement of the PFOA contamination, PFOA will continue to contaminate and threaten to contaminate Hastings' public well nos. 3, 4, 6, 7, and 8 at levels requiring treatment for many years. There are proven technologies to successfully treat and address PFOA in drinking water, but they are very expensive.

43. Hastings will need to treat the drinking water in well nos. 3, 4, 6, 7, and 8 to meet the required PFOA MCL.

44. Hastings is in the process of building treatment plants for its public wells to meet the MCL regulatory standard for PFOA in the coming years. Water Treatment Plant No. 1 (the eastern treatment facility) will address PFOA contamination in public well nos. 6 and 8. Water Treatment Plant No. 2 (the central treatment facility) will address PFOA contamination in public well nos. 3 and 7. Water Treatment Plant No. 3 (the western treatment facility) will address PFOA contamination in public well no. 4 and also in planned public well no. 9.² Each public well (nos. 3, 4, 6, 7, and 8) will have separate treatment equipment to address PFOA contamination of the water. Hastings intends to use granular activated carbon filters to remove PFOA from the water. Hastings is in the process of building the Central Water Treatment Plant at 1290 North Frontage Road and intends to complete the treatment plant in or around the spring of 2027. Hastings intends to complete all three treatment plants within the next few years but

² Hastings is installing a new well to meet increased water demand and has not found a location without PFOA to install the well.

needs sufficient funding to do so.

45. The total cost to design and build the three water treatment plants to address PFOA contamination of well nos. 3, 4, 6, 7, and 8 is expected to be tens of millions of dollars, which does not include the necessary O&M costs to maintain the treatment going forward. Annual O&M costs are expected to be substantial and at least hundreds of thousands of dollars per year. Treatment to address PFOA contamination in public well nos. 3, 4, 6, 7, and 8 will be necessary for many years given PFOA's persistence, resistance to biodegradation, toxicity at low levels, and other pernicious characteristics.

**VI. 3M CAUSED PFOA CONTAMINATION OF HASTINGS' PUBLIC WELLS BY
RELEASING PFOA THROUGH AIR EMISSIONS ONTO SOILS
WHERE IT LEACHED INTO EACH PUBLIC WELL**

46. 3M's acts and omissions have directly and proximately caused and/or contributed to the PFOA contamination and injury of Hastings' public wells as alleged in this Complaint.

A. 3M manufactured PFOA at dedicated areas of its Cottage Grove facility for decades.

47. 3M invented and was a major manufacturer of PFOA in the United States.

48. 3M was the only manufacturer of PFOA in the United States from approximately the 1940s through 2002.

49. 3M manufactured PFOA as a raw chemical material for use in 3M PFOA-based products and PFOA-based products made by third parties. 3M manufactured PFOA exclusively for use in non-AFFF products.

50. Since the 1940s, 3M has owned and operated the Cottage Grove industrial manufacturing facility, which was sometimes referred to as Chemolite.

51. 3M manufactured PFOA by electrochemical fluorination ("ECF") at a dedicated portion of the Cottage Grove facility beginning in the 1940s through 2002 that is geographically

distinct from other portions of the facility.

52. 3M only used discrete portions of the facility to manufacture PFOA and PFOA-based products and this lawsuit only seeks to hold 3M liable for its conduct as it pertains to its manufacturing of PFOA and PFOA-based products, and not for conduct 3M undertook at areas that were used to manufacture other PFAS or fluorochemical products. The dedicated and discrete PFOA production portions of the facility are a subset of the overall fluorochemical areas, which themselves were a subset of the overall facility. As 3M put it, “not all of the areas” of the 865-acre facility are even “relevant to fluorochemicals.”

B. 3M PFOA caused contamination of Hastings’ public wells.

53. 3M caused PFOA contamination of public well nos. 3, 4, 6, 7, and 8. 3M knew, or should have known, that manufacturing PFOA and PFOA-based products at Cottage Grove would result in releases of PFOA through air emissions that would contaminate and injure Hastings’ public wells.

54. The PFOA found in Hastings’ public wells has the unique chemical signature of 3M’s PFOA. Based upon 3M’s own analysis, the PFOA in Hastings’ public wells is comprised of linear and branched isomers. 3M was the only company to manufacture PFOA with linear and branched isomers in the United States, including at dedicated PFOA production areas at Cottage Grove.

55. 3M’s releases of PFOA through air emissions from areas of the Cottage Grove facility dedicated to manufacturing PFOA and PFOA-based products caused the PFOA contamination in public well nos. 3, 4, 6, 7, and 8. There is no AFFF contamination of Hastings’ public well nos. 3, 4, 5, 6, 7, and 8.

56. The PFOA with 3M's unique isomer signature that was released through air emissions from 3M's dedicated areas for production of PFOA and PFOA-based products at Cottage Grove is chemically and geographically distinct from AFFF.

57. PFOA and one of its salts, APFO, were the primary PFAS manufactured by 3M at Cottage Grove. 3M started manufacturing PFOA at Cottage Grove in 1947. As 3M informed Minnesota regulators in 2007, PFOA "was the major fluorochemical constituent made at the [Cottage Grove] site." In 1999, 3M similarly informed U.S. EPA that Cottage Grove was "the primary site for PFOA production." 3M continued to manufacture PFOA at Cottage Grove until 2002.

58. 3M made PFOA in industrial reactors known as ECF cells according to recipe that was unique to PFOA and different than that used for other PFAS. 3M produced PFOA and its salts from perfluorooctanoyl fluoride that was synthesized through the ECF process. The starting feedstock was octane chloride. According to 3M, the "PFOA is manufactured by base hydrolyzing the perfluorooctanoyl fluoride to the corresponding octanoic acid in batch reactors. The salts are manufactured by base neutralization of the acid to the salt in a separate reactor."

59. 3M manufactured substantial amounts of PFOA at Cottage Grove for decades.

60. 3M started using the PFOA to make PFOA-based chemical products at Cottage Grove starting at least as early as the 1950s.

61. 3M manufactured millions of pounds of PFOA-based products at Cottage Grove. According to 3M Cottage Grove production records for its PFOA production ECF cells that are available back to 1976, 3M manufactured hundreds of thousands of pounds finished goods of PFOA from 1976 through 1998 on a regular basis as follows: 407,000 lbs. (1976-1980); 364,000 lbs. (1981-1985); 547,000 lbs. (1986-1990); 750,000 lbs. (1991-1995); 454,000 lbs. (1996-1998).

In total, 3M reported that it made 2,522,000 pounds finished goods of PFOA at Cottage Grove from 1976 through 1998. 3M informed Minnesota regulators that PFOA was the “primary constituent,” i.e., ingredient, in these PFOA-based products. In other words, these products were designed to be made with PFOA and not other PFAS.

62. 3M’s production of PFOA at dedicated areas of its Cottage Grove facility for decades resulted in substantial amounts of releases of PFOA through air emissions over the entire time period that it manufactured PFOA, including because 3M had no air emission controls to capture PFOA for many decades.

63. During an internal 3M meeting in 1978 to discuss measures to reduce exposures to fluorochemicals such as PFOA, 3M noted that there were no air scrubbers for ECF cells producing PFOA at the Cottage Grove facility that would control releases of PFOA through air emissions. As of 1978, 3M had been manufacturing PFOA at Cottage Grove for over 30 years.

64. 3M also recently stated that PFOA was “reportedly present in the treated air emissions in 1985 (acknowledging there were no emissions controls in place between 1954 and 1974)” at Cottage Grove.

65. 3M has stated that various stages in the production processes for PFOA and PFOA-based products resulted in releases of PFOA through air emissions.

66. For example, 3M has stated that it used four general steps to manufacture PFOA at Cottage Grove (i.e., the cell step, stabilization, fractionation, and drying), and that “all of these could have involved environmental emissions.”

67. In addition, 3M stated that salt drying, grinding and packaging of FC-143 (i.e., PFOA) resulted in airborne PFOA at Cottage Grove and that buildings processing PFOA were “high exposure areas” for FC-143.

68. In or around 1985, 3M stated to Minnesota regulators that there were estimated emissions of PFOA of 0.97 lb/hr from the distillation process.

69. 3M's own air modeling has demonstrated that PFOA contamination of Hastings' public wells was caused by releases of PFOA through air emissions deposited onto surface soils that leached into Hastings' public wells. In contrast, there is no evidence of an established pathway for contaminated groundwater underneath the Cottage Grove facility to move great distances through bedrock underneath the Mississippi River to contaminate Hastings' public well nos. 3, 4, 6, 7, and 8.

70. In 2025, 3M produced a report on Cottage Grove air emissions that ranked emission sources to identify the operations and time periods with the highest potential for PFAS air emissions. 3M stated that a PFAS compound with "higher production is likely to correspond to a greater potential for air emissions." 3M manufactured more PFOA at Cottage Grove than any other PFAS chemical. 3M also stated that there was a larger magnitude of air emissions associated with ECF cell production compared to other processes. Thus, since there was "[h]igh ECF cell production" of PFOA, 3M identified releases of PFOA through air emissions from Cottage Grove as a particular concern.

71. 3M also stated in the 2025 air emissions report that longer half-life terminal PFAS compounds "represent the most likely to have a consistent air deposition signature with the long operational history at the Facility." A terminal PFAS is one that does not further break down into other chemicals and a half-life is the amount of time it takes for the concentration of a chemical in the human body to decrease by half. PFOA is a terminal PFAS with a long half-life in humans that 3M manufactured at Cottage Grove in large amounts for decades and thus by 3M's standards would have resulted in a "consistent air deposition signature."

72. The Agency for Toxic Substances and Disease Registry (“ATSDR”), a federal public health regulator, also found that there were substantial releases of PFOA through air emissions based upon information provided by 3M: “3M estimated that 1,950 pounds of PFOA compounds were released to the air from the vent stacks at the Cottage Grove facility in 1997, and that the releases occurred between 100 to 200 days per year. . . . Fugitive emissions of PFOA (both vapor and particulate) were also likely from the various operations, such as drum loading, reactor sampling, and drying operations.” Based upon these estimates and 3M manufacturing of hundreds of thousands of pounds finished goods of PFOA from 1976 through 1998 at Cottage Grove, among other information, there were substantial releases of PFOA through air emissions on a regular basis over the entire time period that 3M made PFOA at Cottage Grove from the 1940s through 2002.

73. There is a well-established pathway for 3M’s PFOA released through air to contaminate Hastings’ public wells.

74. There was a prevailing wind pattern from the northwest to the southeast at Cottage Grove during all relevant time periods, as 3M concluded in its 2025 air emissions report about Cottage Grove.

75. Hastings’ public wells are southeast of 3M’s Cottage Grove facility, in the same direction as a prevailing wind pattern from 3M’s facility. This wind pattern directed 3M PFOA released through air emissions from portions of 3M’s Cottage Grove facility dedicated to manufacturing of PFOA and PFOA-based products towards Hastings’ public wells.

76. This prevailing wind pattern was a pathway for 3M’s PFOA to be deposited onto soils and leach into Hastings’ public wells over decades.

77. Water tables are shallow in Hastings and the overburden soils and other materials that sit on top of the bedrock are porous, such that the PFOA leaches from the overburden soils into Hastings' public wells.

78. 3M stated in its 2025 air emissions report that shallow soils "can represent decades of potential deposition via retention of deposited" PFOA.

79. Over time, 3M's PFOA has continued to leach, escape, and discharge from soils into each of Hastings' public well nos. 3, 4, 6, 7, and 8.

80. ATSDR, the federal public health regulator, similarly has concluded that "given the physical properties and environmental behavior of PFOA," aerial deposition of PFOA can be a "pathway for groundwater contamination." ATSDR also found that there was "the potential for past air emissions (and deposition) of PFOA to have extended off site" from Cottage Grove and that "PFOA emitted to the air" could "under certain conditions travel a distance of up to 800 kilometers from the source."

81. 3M's air dispersion model results similarly "suggest that PFOA emissions (both particulate and vapor phase) from the Building 15 area [at Cottage Grove] may also have extended off the site property."

82. There is additional data demonstrating that the PFOA contamination in Hastings' public wells was caused by releases of PFOA through air emissions from portions of 3M's Cottage Grove facility dedicated to manufacturing of PFOA and PFOA-based products that was deposited onto soils that leached into Hastings' public wells.

83. Hastings is located in Dakota County. Results from Dakota County well sampling indicate that PFAS concentrations decrease with depth, which is evidence of a common surface-derived, air emission source of PFOA to Hastings' public wells.

84. There is a consistent PFAS signature throughout Hastings including in the Hastings public wells that is consistent with widespread air deposition rather than localized PFAS source areas, which would cause more variability than exists in the PFAS signatures and concentrations in Hastings' public wells.

85. A groundwater monitoring well near 3M's Cottage Grove facility selected by 3M to represent conditions with no known localized sources of PFAS (MW-07) contains many of the same PFAS as Hastings' public wells, which is further evidence of a widespread PFOA air deposition signature.

86. While Hastings does not seek to hold 3M liable for any PFAS other than PFOA, 3M's production of two other PFAS at Cottage Grove, perfluorobutanoic acid ("PFBA") and TFSI, further demonstrate that 3M caused PFOA contamination of Hastings' public wells by releasing PFOA through the air onto soils where it then leached into Hastings' public wells. 3M made substantial amounts of PFBA and PFBA-based products at Cottage Grove in the same timeframe as it made PFOA. 3M has stated to Minnesota regulators that "PFOA- and PFBA-based products accounted for the majority of finished goods initiated at Cottage Grove during the 20+ years [1976 to 1998] covered by the [Cottage Grove production] records." Like PFOA, 3M identified PFBA as an important air pollutant from Cottage Grove because 3M manufactured substantial amounts of PFBA in ECF cells. Like PFOA, PFBA is also found in Hastings' public wells and while the highly toxic PFOA rather than PFBA is the driver of the need for cleaning up the wells at issue in this case, its presence is an additional telltale sign that the source of Hastings' public well contamination at issue in this case is releases of PFOA through air emissions from portions of 3M's Cottage Grove facility dedicated to PFOA manufacturing.

87. 3M produced TFSI in connection with an electrolyte salt product (HQ-115) used in lithium batteries at Cottage Grove starting in the early 1990s. TFSI is not an AFFF constituent or associated with AFFF. Like PFOA, 3M identified TFSI as an important air pollutant from Cottage Grove. Like PFOA, TFSI is detected throughout Hastings, including at the golf course irrigation wells located at the Hastings Golf Club & Events, the Pine Street Dump, Hastings' public well no. 5 and the potential location for a new Hastings public well (no. 9). Dumping activities ceased at the Pine Street Dump around 1957, decades before 3M began producing TFSI, and so TFSI would not have been in waste deposited at the dump while it was open but instead was deposited onto soils from air emissions and leached into groundwater in the same manner as did PFOA. While TFSI is not the driver of the need to clean up the wells in this case, its presence at these locations in Hastings is an additional indicator that the source of the Hastings well contamination at issue in this case is releases of PFOA through air emissions from portions of 3M's Cottage Grove facility dedicated to manufacturing of PFOA and PFOA-based products.

88. There is no evidence of established pathways through surface and groundwater transport for PFOA from 3M's Cottage Grove facility to Hastings' public well nos. 3, 4, 6, 7, and 8. Instead, PFOA released through air emissions was deposited onto soils, where it leached into and contaminated Hastings' public wells.

89. Hastings' public wells are located south of the Mississippi River. The homogeneity of PFAS signatures in groundwater wells south of the Mississippi River is inconsistent with a groundwater and/or surface water connection between 3M's Cottage Grove facility and Hastings' public wells.

90. The Vermillion River is located south of the Mississippi River and flows in a northeasterly direction toward Hastings. Groundwater in the area of Hastings' public wells flows from the Vermillion River northward towards the Mississippi River. PFAS signatures in groundwater wells between the Vermillion River and the Mississippi River are notably consistent, which is evidence that air emissions of PFOA have caused contamination rather than localized PFAS sources, which would produce more variable PFAS signatures and concentrations in that area.

91. Concentrations and relative abundances of PFAS throughout Hastings' groundwater are inconsistent with the Vermillion River being a source of PFOA to Hastings' public wells and inconsistent with a localized PFAS source area causing PFOA contamination of Hastings' public wells.

92. Other purported localized sources of PFAS in Hastings are not a source of PFOA to Hastings' public wells. The Pine Street Dump is not a source of PFOA to the Hastings public wells. If the Pine Street Dump was a source of PFOA to the Hastings public wells, the average total PFAS concentration in the closest downgradient Hastings public well (no. 7) to the Pine Street Dump would be lower than that in wells that border the Pine Street Dump. However, average total PFAS concentration is higher in well no. 7 compared to that in wells that border the Pine Street Dump.

93. Other purported localized sources of PFAS contamination in Hastings, including at the Oak Ridge Manor and the former DOWCO electroplating facility, have PFAS profiles similar to those found in Hastings' public wells and are consistent with a common air deposition source of PFOA to Hastings' public wells and other locations throughout Hastings. The PFAS profile of contamination at Oak Ridge Manor and the former DOWCO electroplating facility do

not have AFFF source area signatures. The PFAS signature in groundwater in the vicinity of the DOWCO electroplating facility is not a PFAS signature associated with PFAS releases from electroplating operations but is consistent with an air deposition source of PFOA.

94. AFFF has not caused the PFAS contamination in Hastings' public well nos. 3, 4, 5, 6, 7, and 8. AFFF contamination has a chemical signature that is not found at Hastings' public well nos. 3, 4, 5, 6, 7, and 8. And the patterns of PFAS throughout the area do not indicate the presence of an AFFF source area: public well no. 5 and the potential location for well no. 9 contain TFSI, which is not an AFFF constituent, and PFAS signatures throughout the region are remarkably homogeneous, which is consistent with a common air deposition source and not a localized AFFF source.

95. The PFOA (or any other PFAS) in Hastings' public wells was not caused by any releases from the geographically separate fire training area at 3M's Cottage Grove facility because there is no pathway for PFAS to migrate from the fire training area to Hastings' public wells, among other reasons. However, in an abundance of caution, Hastings has disclaimed contamination at or from this fire training area.

C. 3M denies that groundwater from Cottage Grove contaminated Hastings' public wells.

96. 3M for many years has taken the position that groundwater from its Cottage Grove facility did not contaminate Hastings' public wells that are the subject of this case, as well as public well no. 5.

97. On August 23, 2024, 3M stated that "to date any connection between the PFOA detected at Hastings and 3M's Cottage Grove facility has not been sufficiently established." At the same time, 3M asserted that for groundwater from Cottage Grove to reach Hastings public well no. 5 would require a "convoluted flow path."

98. This has been 3M's position for many years. In 2004, 3M stated that "3M has for decades operated production wells which create a zone of depression for groundwater emanating from the developed portion of the property" at Cottage Grove and that "there is no indication that groundwater migration from the plant is a completed exposure pathway" to offsite wells. 3M similarly informed U.S. EPA that "pumping of the wells (which started in 1947) has created a persistent cone of depression in the ground water beneath the developed portions of the [Cottage Grove] site. The cone of depression effectively limits movement of ground water from the site to the adjacent river." The adjacent river is the Mississippi River which separates the Cottage Grove facility from Hastings' public wells.

99. ATSDR also reported that "groundwater flow beneath the [Cottage Grove] site is heavily influenced by the facility's high-capacity production wells." It explained: "Some of these wells reportedly have been in operation since the 1940s. In 2022, 3M reported pumping just over one billion gallons of water from the production wells on the property. In previous years, an even larger amount of water was pumped from the aquifers beneath the site. In fact, most of the groundwater from beneath the majority of the 865-acre site, and especially from the developed portion of the site, appears to be captured by the action of the production wells as shown [by groundwater flow model results]." In other words, 3M is pumping so much groundwater that it creates a direction flow toward the plant, not away from it.

D. 3M has stated that PFOS-based products are not sources of PFOA.

100. There is no overlap between PFOA as a source of contamination to Hastings' public wells and PFOS because 3M has publicly stated that POSF-based products are not sources of PFOA. POSF (perfluorooctane sulfonyl fluoride) is the building block for PFOS. In 2003, 3M stated to U.S. EPA that "POSF-based products did not likely provide a route of measurable

PFOA exposure” and that “PFOA is *not* the expected biological degradation end-product of the other fluorochemical residuals present in POSF-based products.”

101. 3M also stated to U.S. EPA in addressing “POSF based materials” that “PFOA is a different and unrelated compound. It does not metabolize to or become PFOS.”

102. 3M did not use PFOS as an ingredient in PFOA-based products. When 3M identified all of its PFOA-based products to U.S. EPA, it did not include any PFOS-based products like AFFF. 3M informed EPA that PFOA “is a surfactant used in fluoropolymer production.” 3M stated to U.S. EPA that the “vast majority” of PFOA is consumed to make the ammonium or sodium salt forms of PFOA (e.g., APFO) and that otherwise PFOA and its salts were used as a “[r]eactive intermediate for synthesis of fluoroacrylate ester used in coating applications,” as a “[p]rocessing aid in the industrial synthesis of fluoropolymers and fluoroelastomers,” as a “[p]ost Polymerization aid to stabilize fluoropolymer and fluoroelastomer suspensions” and as a “[p]rocessing aid for factory applied fluoropolymer coatings.” PFOA-based surfactant products such as FC-118, FC-126 and FC-143 were “used in teflon manufacture” while another form of PFOA (FC-26) was “sold as the acid.” 3M sold PFOA (or is ammonium salt) to a “single customer,” DuPont, that was a “fluoropolymer producer.”³ 3M’s AFFF did not use PFOA as an ingredient.

103. 3M intentionally had separate, dedicated production areas for PFOA at Cottage Grove as compared to PFOS and other PFAS. 3M intentionally used separate ECF cells to produce PFOA that were not used for POSF chemistries. POSF is the building block for PFOS which was used as an ingredient in substantial quantities to make non-AFFF consumer products as described above. 3M’s standard operating procedure for manufacturing PFOA, moreover,

³ DuPont refers to EIDP, Inc. (formerly known as E. I. du Pont de Nemours and Company).

stated that the “reactor, overhead, receiver, and all transfer lines must be free from contamination of [non-PFOA] products.”

104. 3M also intentionally kept its production area for PFOA-based products separate from its production areas for PFOS- and other PFAS-based products. 3M stated that “[a]ll of the[] APFO-related production activities occurred primarily in one building” at Cottage Grove and that POSF-related materials “were manufactured in a different building than APFO.” APFO is the ammonium salt form of PFOA and was the primary product derived from PFOA.

105. The PFOA released through air emissions from 3M’s manufacturing of enormous amounts of PFOA and PFOA-based products at dedicated areas of Cottage Grove as described above is also distinct from PFOS geographically and because of the airborne route of contamination. PFOA is geographically distinct from PFOS because 3M has stated that “Decatur, Alabama became the main production plant for PFOS-related products in the early 1960s” and accordingly 3M informed U.S. EPA that “little PFOS related product is manufactured” at the Cottage Grove facility. And of the “little PFOS related product,” 3M stated that the primary PFOS-based products manufactured at Cottage Grove were Scotchgard-branded consumer products that were “primarily used” in “protective treatments of carpets and textiles, and in consumer products for home use” and which have nothing to do with AFFF.

106. The exclusive focus of this case on an air emission pathway also makes 3M’s PFOA distinct from PFOS and AFFF. While 3M has stated that PFOA is an important air emission source from 3M’s manufacturing of PFOA at its Cottage Grove facility, 3M also has said that because of the unique chemical characteristics of PFOS that any air emissions of PFOS would be de minimis. For example, 3M stated to Minnesota regulators that releases of air emissions depend on the existence of a vapor pressure, and “PFOS itself would not have a vapor

pressure.” This is evident from an ATSDR report that “3M estimated that during POSF production at their Decatur, Alabama production plant” its PFOS wastes were only “1% in the form of air emissions.” In addition, unlike PFOA, 3M has stated that it is “not aware of data to support” the statement that “PFOS discharged to air will rapidly deposit to soil.”

107. Similarly, 3M has found that PFAS present in AFFF are not found in air emission signals from the Cottage Grove facility. In 2025, 3M concluded in its air deposition report that “PFAS that are present in aqueous film forming foams that may have been released from fire suppression systems” had “limited potential for air deposition” and that they “are not representative of an air emission signal from the [Cottage Grove] Facility.” For this reason, 3M excluded them from its air emissions report because they had “limited value for evaluating potential PFAS air deposition associated with Facility operations.”

108. In sum, PFOA is distinct chemically, geographically, and by the air emission pathway at issue in this case from PFOS and AFFF.

E. 3M has known for decades of PFOA health and environmental risks.

109. 3M knew of the health hazards and environmental risks and impacts posed by PFOA for decades but concealed them from Hastings and the public and continued to manufacture PFOA and PFOA-based products for decades that resulted in releases of PFOA through air emissions that was deposited onto soils and contaminated Hastings’ public wells. As a result, the risks associated with PFOA were unknown to the public and Hastings and were generally unknown to those other than 3M who could have reduced or limited the PFOA contamination and injuries described above. As the manufacturer of PFOA and PFOA-based products, 3M was in the best position to reduce the risk of harm of the PFOA and PFOA-based products it produced at a dedicated portion of the Cottage Grove facility.

110. 3M knew or should have known that releases of PFOA through air emissions from manufacturing PFOA and PFOA-based products at such portions of its Cottage Grove facility would cause PFOA contamination of Hastings' public wells.

111. Starting at least as early as the 1970s, 3M conducted studies on the physiological and toxicological properties of PFOA. It concluded that PFOA was harmful to the environment, animals, and to humans. But while the findings of these studies were discussed internally, they were not publicized or reported to any regulatory agency.

112. In 1978, 3M conducted multiple PFOA studies in monkeys and rats that showed that PFOA affected the liver and gastrointestinal tract of the animals tested. 3M documented that PFOA "should be regarded as toxic." The 3M study indicated that those aware of the results "urgently recommended that all reasonable steps be taken immediately to reduce exposure of employees to [PFOA]."

113. A 3M internal document from 1979 stated that PFOA "was found to be completely resistant to biodegradation" and so "would be expected to persist in the environment for extended periods of time." The same internal document found that PFOA would leach from soils into water.

114. A 1979 memo from M.T. Case, formerly within 3M's medical department in Corporate Toxicology and Regulatory Services, stated that he believed it "paramount to begin now an assessment of the potential (if any) of long term (carcinogenic) effects for [fluorochemicals like PFOA] which are known to persist for a long time in the body and thereby give long-term chronic exposure."

115. In 1979, an internal 3M report stated that because of the “apparent persistence of [PFOA] in the body,” it was recommended that “lifetime rodent studies [] be undertaken as soon as possible.”

116. Despite these warnings and recommendations, 3M decided to not publish the findings of this investigation.

117. At a meeting among 3M employees in June of 1979 discussing the “Fluorochemicals in Blood Program,” an outside researcher named Dr. H.C. Hodge noted that “[r]eduction in exposure [to 3M employees to fluorochemicals like PFOA] should have a top priority” and recommended that further testing be conducted.

118. In 1987, 3M was aware of the results of a two-year study where rats were fed a diet with added PFOA, resulting in the growth of cancerous tumors.

119. In 1997, 3M provided its primary customer for its PFOA (DuPont) with a Material Safety Data Sheet (“MSDS”) for 3M’s PFOA that contained the following warning:

CANCER WARNING: Contains a chemical which can cause cancer (3825-24-1) (1983 and 1993 studies conducted jointly by 3M and Dupont)

120. MSDSs are meant to contain information about the health and environmental risks of those products, among other topics.

121. This MSDS was sent only to DuPont.

122. Instead of warning the public that PFOA can cause cancer, 3M concealed this information, and continued to promote PFOA as safe.

123. Despite decades of research, 3M first shared its concerns about PFOA with EPA in the late 1990s. It was not until the late 1990s that 3M began producing studies regarding PFOA that it had previously withheld from the EPA.

124. In or about 2000, U.S. EPA notified 3M that it intended to pursue more rigorous regulation of PFOA. In response to pressure from EPA, 3M began to phase out production of PFOA products in 2000.

125. But 3M continued to publicly state that PFOA was safe. In 2003, 3M stated to U.S. EPA that “3M does not believe that the PFOA levels measured in workers, the U.S. population or the environment cause adverse effects in humans.”

126. 3M worked to control and distort the science on PFOA. For example, 3M provided millions of dollars in grants to a professor, John Giesy, who publicly presented himself as independent but behind the scenes worked for 3M. Giesy’s goal, as expressed in a March 25, 2008 email, was to “keep ‘bad’ papers [regarding PFOA] out of the literature [because] otherwise in litigation situations they can be a large obstacle to refute.”

127. In 2006, EPA cited and fined 3M for violations of the Toxic Substances Control Act in which 3M failed to notify the agency about “substantial risk information” on PFOA.

128. Despite the large body of research demonstrating the serious health risks posed by PFOA, much of which 3M has been aware of for decades, 3M has stated that “trace levels” of PFOA found in Hastings’ wells are “safe based on decades of research.” According to 3M, the “research shows there are no adverse effects resulting from the low levels at which [PFOA is] found in humans and the environment.”

129. In November 2018, 3M stated that “the vast body of scientific evidence does not show that [] PFOA cause[s] adverse health effects in humans at current exposure levels, or even at the historically higher levels found in blood.”

130. In 2022, 3M publicly stated that the “evidence does not support a finding that PFOA [] present[s] a substantial danger to the public health, welfare, or the environment” and thus that it was not necessary or appropriate to declare PFOA to be hazardous.

131. In 2025, 3M publicly stated that “the weight of scientific evidence does not show that [] PFOA causes harm to the environment or people at current or historical levels.”

132. 3M also maintains and publicly advertises: “Researchers from around the world have studied [PFOA] for decades and haven’t found a definitive causal relationship between PFOA [] exposure and any health condition While some research shows that [PFOA is] associated with negative health outcomes, other studies don’t reach the same conclusions.”

133. 3M to this day maintains that PFOA is safe.

F. 3M concealed from Hastings that 3M’s PFOA is contaminating Hastings’ public wells.

134. In addition to concealing that PFOA posed environmental and human health risks, 3M misled and concealed from Hastings and the public that its PFOA is contaminating Hastings’ public wells and failed to take appropriate steps to minimize, reduce, prevent, and/or otherwise mitigate the ongoing PFOA contamination of Hastings’ public wells. In 2024, 3M stated that there is no connection between PFOA at Cottage Grove and the PFOA in Hastings’ public wells.

135. 3M for many years publicly but falsely stated that PFOA contamination off-site from its Cottage Grove facility was not caused by air deposition of PFOA onto soils from Cottage Grove.

136. 3M for many years misled and concealed from Hastings and the public the importance of the air emission pathway to PFOA contamination of Hastings’ public wells but instead maintained that there were not significant amounts of PFOA emissions. 3M stated to regulators that at Cottage Grove, “processing” of PFOA-based materials “was generally ‘closed-

loop,’ meaning that every attempt was made to contain the products and by-products in a solid or liquid form, and not generate significant amounts of air emissions. Closed-loop processing was typical, and distillation columns were operated with low temperature condensers to capture the desired product. However, the vessels used in the work-up steps were designed with rupture disks that were used as a safety valve when over-pressure occurred within the vessel. These rupture disks would have been needed only in the case of emergencies, not as a routine operating practice. Additionally, the [PFOA] manufacturing process at Cottage Grove included equipment such as condensers and/or scrubbers whose function wholly or in part would have resulted in the control of emissions of [PFOA]-related compounds.” 3M further stated that it “improved emissions controls regularly over the life of the [PFOA] manufacturing facility” at Cottage Grove.

137. At all times relevant to this litigation, 3M was or should have been aware that PFOA contamination and injury of Hastings’ public wells was inevitable. This was due to 3M’s manufacturing of substantial amounts of PFOA and hundreds of thousands of pounds of PFOA-based products at dedicated areas of Cottage Grove over many decades that released PFOA through air emissions, the chemical and other characteristics of PFOA, including its solubility and recalcitrance to biodegradation and bioremediation, the air emissions associated with the manufacturing of PFOA and PFOA-based products, and the well-established pathway of PFOA air deposition to soils, where it could leach into and contaminate groundwater wells such as Hastings’ public wells.

138. 3M possesses and has always possessed vastly superior knowledge, resources, experience, and other advantages, in comparison to anyone or any agency, concerning the manufacture, nature, and properties of PFOA and PFOA-based products.

139. By virtue of its tremendous economic power and analytical resources, including the employment of scientists such as chemists, engineers, and toxicologists, 3M has at all relevant times been in a position to minimize, reduce, prevent, and/or otherwise mitigate PFOA contamination of Hastings' public wells.

140. In addition, by virtue of this superior knowledge, and/or by virtue of 3M's partial and incorrect statements regarding the nature and impacts of PFOA, 3M had a duty to disclose the truth and to seek to minimize, reduce, prevent, and/or otherwise mitigate PFOA contamination of Hastings' public wells, but failed to do so.

VII. FIRST CAUSE OF ACTION

Action for Well Contamination, Minn. Stat. § 103I.241

141. Hastings realleges and reaffirms each and every allegation set forth in all preceding paragraphs as if fully restated in this section.

142. The Action for Well Contamination statute provides that an "owner of real property where a well is located has a cause of action for civil damages against a person whose action or inaction caused contamination of a well." Minn. Stat. § 103I.241, subd. 1. Such a person is liable for "damages, reasonable attorney fees, and costs and disbursements." *Id.* § 103I.241, subd. 2.

143. Hastings is the owner of real properties on which its public well nos. 3, 4, 6, 7, and 8 are located that have been contaminated by 3M's PFOA.

144. 3M is a corporation and thus a person under the statute. *Id.* § 103I.005, subd. 16.

145. The statute defines a "well" to mean an "excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed if the excavation is intended for the location, diversion, artificial recharge, monitoring, testing, remediation, or acquisition of

groundwater.” *Id.* § 103I.241, subd. 21. Each of Hastings’ public well nos. 3, 4, 6, 7, and 8 is a drilled well intended to acquire groundwater for use as drinking water and for other purposes and thus is a well under the statute.

146. 3M’s actions and/or inactions caused PFOA contamination of Hastings’ public wells. 3M emitted PFOA from production of PFOA and PFOA-based products at dedicated areas at its Cottage Grove facility that deposited PFOA onto soils that leached into and contaminated each of Hastings’ public well nos. 3, 4, 6, 7, and 8.

147. It is very expensive to address PFOA contamination of Hastings’ public wells that requires treatment to meet the new PFOA MCL, including the costs of constructing water treatment plants, testing, monitoring, treatment, and ongoing operations and maintenance of treatment systems to remove PFOA from Hastings’ public wells.

148. The statute authorizes Hastings to seek damages, reasonable attorney fees, and costs and disbursements for the harm caused by 3M’s PFOA contamination.

149. As a direct and proximate result of 3M’s actions and/or inactions, there is ongoing PFOA contamination of Hastings’ public wells at levels that require treatment. Hastings has incurred, is incurring, and will incur, investigation, treatment, O&M, monitoring, and other costs and expenses related to PFOA contamination of its public wells, for which 3M is liable.

150. Hastings is entitled to damages, reasonable attorney fees, and costs and disbursements.

151. 3M’s actions and/or inactions have caused and/or threatened to cause and continue to cause and/or threaten to cause separate injuries to each of Hastings’ public well nos. 3, 4, 6, 7, and 8 and 3M is jointly and severally liable for each such injury to an individual well.

VIII. SECOND CAUSE OF ACTION

Minnesota Environmental Response and Liability Act, Minn. Stat. § 115B.04

152. Hastings realleges and reaffirms each and every allegation set forth in all preceding paragraphs as if fully restated in this section.

153. The Minnesota Environmental Response and Liability Act (“MERLA”) provides that “any person who is responsible for a release or threatened release of a hazardous substance from a facility is strictly liable, jointly and severally, for [certain] response costs and damages which result from the release or threatened release or to which the release or threatened release significantly contributes.” Minn. Stat. § 115B.04, subd. 1. Such a person is liable for “all reasonable and necessary response costs incurred by” a “political subdivision of the state”; “all reasonable and necessary removal costs incurred by any person”; and “all damages for any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss.” *Id.* Hasting is a political subdivision of the state of Minnesota.

154. 3M is responsible for a release and/or threatened release of PFOA from dedicated areas for production of PFOA and PFOA-based products at its Cottage Grove facility and from soils into Hastings’ public well nos. 3, 4, 6, 7, and 8 that caused and/or significantly contributed to reasonable and necessary response and other costs to address PFOA in such wells.

155. “Person” is defined by MERLA to mean any “private corporation or other entity” or “political subdivision of the state,” among other meanings. Minn. Stat. § 115B.02, subd. 12. 3M and Hastings are persons under MERLA.

156. “Natural resources” under MERLA include but are not limited to “water.” Minn. Stat. § 115B.02, subd. 10; Minn. Stat. § 116B.02, subd. 4.

157. “Hazardous substance” is defined by MERLA to mean “any hazardous waste.” Minn. Stat. § 115B.02, subd. 8. In turn, “hazardous waste” is defined by MERLA to mean “any hazardous waste as defined in section 116.06, subdivision 11.” Minn. Stat. § 115B.02, subd. 9.

158. Section 116.06, subdivision 11 in turn defines “hazardous waste” to mean “any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may . . . pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.” Minn. Stat. § 116.06, subd. 11.

159. PFOA is a hazardous substance under Minn. Stat. § 115B.02, subs. 8, 9 and § 116.06, subd. 11 including because its chemical and physical characteristics (e.g., persistence in the environment, resistance to biodegradation, solubility, toxicity at low levels, and bioaccumulation in humans) pose a substantial present and potential hazard to human health and the environment when improperly treated, stored, disposed of, or otherwise managed. 3M’s PFOA that was released through air emissions from portions of its Cottage Grove facility dedicated to manufacturing of PFOA and PFOA-based products was in solid, semisolid, liquid and/or contained gaseous form. For example, 3M’s recent air emission study stated that there is a process by which PFOA in gas-phase or as particulate matter in the air can be entrained in precipitation and subsequently deposited on the ground surface.

160. The Minnesota Pollution Control Agency has stated that PFOA is a hazardous substance under MERLA. In addition, other regulators have designated PFOA as a “hazardous substance.” For example, U.S. EPA recently designated PFOA as a “hazardous substance” under the Comprehensive Environmental Response, Compensation, and Liability Act because PFOA

“may present a substantial danger to the public health or welfare or the environment when released.” U.S. EPA made this designation based upon PFOA’s chemical and physical characteristics, concluding that the potential for adverse health effects is exacerbated by the fact that PFOA is “persistent in the environment, which can cause long-term exposure,” that PFOA is “extremely resistant to degradation and [will] remain in the environment for long periods of time,” and that PFOA “persist[s] in humans” for a period of years and so “individuals who have consistent ongoing exposures to elevated concentrations of PFOA” such as through drinking water “can have elevated concentrations of [PFOA] in their bodies which may contribute to adverse health effects,” among other reasons.

161. A “release” is defined by MERLA as “any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.” Minn. Stat. § 115B.02, subd. 15(a). PFOA released through air emissions from portions of 3M’s Cottage Grove facility dedicated to manufacturing of PFOA and PFOA-based products was emitted, escaped, and disposed of onto soils where the PFOA has leached, escaped, and discharged into Hastings’ public wells. Such emitting, disposing, leaching, escaping, and discharging of PFOA are releases under MERLA.

162. Under MERLA, “a person is responsible for a release or threatened release of a hazardous substance . . . from a facility if the person . . . owned or operated the facility . . . during the time of the release or threatened release,” among other circumstances. Minn. Stat. § 115B.03, subd. 1. 3M owned and operated the PFOA and PFOA-based product manufacturing areas at the Cottage Grove facility during the entire time that it released PFOA through air

emissions onto soils where the PFOA has leached, escaped, and discharged into Hastings' public wells.

163. 3M released PFOA through air emissions from such dedicated portions of the Cottage Grove facility for decades prior to July 1, 1983 and continued to release PFOA through air emissions until 2002. 3M's releases of PFOA through air emissions did not occur wholly before July 1, 1983. 3M's PFOA continues to be released from soils into Hastings' public well nos. 3, 4, 6, 7, and 8.

164. 3M is liable for all reasonable and necessary response costs incurred by Hastings, all reasonable and necessary removal costs incurred by Hastings, and all damages for any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss.

165. MERLA defines "response" to mean "remove, removal, remedy, and remedial action." Minn. Stat. § 115B.02, subd. 18. MERLA defines "remove" or "removal" to mean "the cleanup or removal of a released hazardous substance ... from the environment," "necessary actions taken in the event of a threatened release of a hazardous substance . . . into the environment," "actions necessary to monitor, test, analyze, and evaluate a release or threatened release of a hazardous substance," or "other actions necessary to prevent, minimize, or mitigate damage to the public health or welfare or the environment, which may otherwise result from a release or threatened release." Minn. Stat. § 115B.02, subd. 17. "Remove or removal includes, but is not limited to," the "provision of alternative water supplies." Minn. Stat. § 115B.02, subd. 17.

166. "Remedy" or "remedial action" mean "those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened

release of a hazardous substance . . . into the environment, to prevent, minimize or eliminate the release in order to protect the public health or welfare or the environment.” Minn. Stat. § 115B.02, subd. 16. “Remedy or remedial action includes, but is not limited to” the “provision of alternative water supplies” and “any monitoring or maintenance.” Minn. Stat. § 115B.02, subd. 16.

167. As a direct and proximate result of 3M’s acts and omissions, Hastings’ public well nos. 3, 4, 6, 7, and 8 are contaminated with PFOA. As a result of 3M’s releases of PFOA through air emissions from portions of the Cottage Grove facility dedicated to manufacturing of PFOA and PFOA-based products and disposal of PFOA onto soils which continues to leach, escape, and discharge into Hastings’ public wells, Hastings has incurred and will continue to incur reasonable and necessary response costs, removal costs, and other costs to investigate, treat and further prevent, minimize, or eliminate the PFOA caused by 3M’s releases of PFOA through air emissions from such dedicated portions of the Cottage Grove facility to protect the public health or welfare or the environment, for which 3M is strictly, jointly, and severally liable.

168. In September 2025, Hastings began physical on-site construction of the Central Treatment Plant to address PFOA in well nos. 3 and 7 that requires treatment. Hastings intends to construct Water Treatment Plant No. 1 (the eastern treatment facility) to address PFOA in public well nos. 6 and 8 that requires treatment and Water Treatment Plant No. 3 (the western treatment facility) to address PFOA in public well no. 4 that requires treatment but has not yet started construction of these water treatment plants.

169. As a direct and proximate result of 3M’s acts and omissions and releases of PFOA through air emissions from portions of the Cottage Grove facility dedicated to manufacturing of PFOA and PFOA-based products, Hastings has suffered damages for injury to, destruction of, or

loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss, caused by 3M's releases of PFOA through air emissions from such portions of the Cottage Grove facility and disposal of PFOA onto soils which continues to leach, escape, and discharge into Hastings' public wells, for which 3M is strictly, jointly, and severally liable.

170. 3M is also liable for Hastings' "costs, disbursements and reasonable attorney fees and witness fees." Minn. Stat. § 115B.14.

171. 3M's acts and omissions have caused and/or threatened to cause and continue to cause and/or threaten to cause separate injuries to each of Hastings' public well nos. 3, 4, 6, 7, and 8 and 3M is jointly and severally liable for each such injury to an individual well.

IX. THIRD CAUSE OF ACTION

Negligence

172. Hastings realleges and reaffirms each and every allegation set forth in all preceding paragraphs as if fully restated in this section.

173. As a manufacturer of PFOA and PFOA-based products, 3M owed a duty to Hastings as well as to all persons whom 3M's PFOA might foreseeably harm to exercise due care in the manufacturing, handling, disposal, and control of releases of PFOA through air emissions in connection with manufacturing of PFOA and PFOA-based products at dedicated portions of the Cottage Grove facility.

174. 3M had a duty and the financial and technical means to manufacture, handle, dispose of, and control releases of PFOA through air emissions in connection with manufacturing PFOA and PFOA-based products at dedicated portions of the Cottage Grove facility in a manner that would minimize, reduce, prevent, and/or otherwise mitigate contamination of Hastings' public wells.

175. 3M had a duty to not contaminate the environment.

176. 3M had a duty to not contaminate Hastings' public wells.

177. 3M had a duty to operate the dedicated portions of the Cottage Grove facility associated with the manufacturing of PFOA and PFOA-based products in such a way as to minimize, reduce, prevent, and/or otherwise mitigate PFOA contamination of Hastings' public wells.

178. At times relevant to this litigation, 3M knew or should have known of the following environmental and health risks of PFOA, among others:

- a. Releases (unintended and otherwise) of PFOA through air emissions associated with the manufacturing of PFOA and PFOA-based products are commonplace;
- b. 3M's manufacturing of PFOA and PFOA-based products at dedicated portions of the Cottage Grove facility resulted in releases of PFOA through air emissions;
- c. PFOA released through air emissions can be deposited onto soils and leach from soils into groundwater that is used as a source for drinking water;
- d. A prevailing wind from the northwest to the southeast would deposit PFOA released through air emissions from the manufacturing of PFOA and PFOA-based products at dedicated portions of 3M's Cottage Grove facility onto soils that would leach into Hastings' public wells;
- e. When PFOA is released onto soils, it persists over long periods of time because it is recalcitrant to biodegradation and it will continue to leach from soils into groundwater over many years;
- f. PFOA bioaccumulates in humans;
- g. Very low concentrations of PFOA can make water unpotable;
- h. PFOA poses risks to human health; and
- i. PFOA is associated with certain cancers in humans.

179. The foregoing facts relating to the hazards which PFOA poses to groundwater, drinking water, and public health are not the sort of facts which Hastings and the general public

could ordinarily discover or protect themselves against absent sufficient warnings, which 3M did not provide.

180. 3M negligently breached its duties of due care to Hastings and the general public by, among other things:

- a. failing to manufacture, handle, dispose of, and control releases of PFOA through air emissions in connection with manufacturing of PFOA and PFOA-based products at dedicated portions of the Cottage Grove facility in a manner that would minimize, reduce, prevent, and/or otherwise mitigate contamination of Hastings' public wells;
- b. concealing the pathway for releases of PFOA through air emissions in connection with manufacturing of PFOA and PFOA-based products at dedicated portions of the Cottage Grove facility to contaminate Hastings' public wells; and
- c. promoting and defending PFOA as safe while concealing the threat PFOA poses to groundwater, drinking water, and public health.

181. It was reasonably foreseeable to 3M that PFOA would be released through air emissions from the areas of its Cottage Grove facility dedicated to manufacturing of PFOA and PFOA-based products onto soils where such PFOA would leach into and contaminate Hastings' public wells.

182. As a direct and proximate result of 3M's acts and omissions, 3M's PFOA has physically contaminated and injured Hastings' public wells. Hastings has incurred, is incurring, and will incur, investigation, remediation, cleanup, restoration, removal, treatment, monitoring, and other costs and expenses related to PFOA contamination of Hastings' public wells, for which 3M is jointly and severally liable.

183. 3M knew that it was substantially certain that its acts and omissions described above would threaten public health and cause contamination of Hastings' public wells.

184. 3M's acts and omissions have caused and/or threatened to cause and continue to cause and/or threaten to cause separate injuries to each of Hastings' public well nos. 3, 4, 6, 7, and 8 and 3M is jointly and severally liable for each such injury to an individual well.

X. FOURTH CAUSE OF ACTION

Public Nuisance

185. Hastings realleges and reaffirms each and every allegation set forth in all preceding paragraphs as if fully restated in this section.

186. Hastings is responsible for providing safe and satisfactory water to its residents.

187. Hastings as a municipality of the state of Minnesota may maintain in its own name an action to abate a public nuisance affecting the public health of Hastings' residents as representative of the state of Minnesota.

188. Hastings has suffered and continues to suffer harm of a kind and degree different from that suffered by members of the general public, including harm to unique public drinking water wells that it owns, operates, and maintains for the public welfare and will need to spend tens of millions of dollars for treatment and ongoing O&M to remove PFOA from drinking water.

189. 3M has manufactured, handled, disposed of, and released PFOA through air emissions associated with portions of its Cottage Grove facility dedicated to the manufacturing of PFOA and PFOA-based products in a manner that created or participated in creating a public nuisance that unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of Hastings and any considerable number of members of the public in Hastings.

190. 3M, by its intentional, negligent, reckless, and willful acts and omissions set forth above, has, among other things, caused and continues to cause PFOA contamination of Hastings' public wells.

191. 3M has caused, contributed to, maintained, and/or participated in a public nuisance by substantially and unreasonably interfering with, obstructing and/or threatening, among other things, the common public rights of Hastings and its residents to enjoy drinking water free from unacceptable health risk, pollution, and contamination.

192. 3M has, at times relevant to this action, caused, contributed to, maintained, and/or participated in the creation of such public nuisance. Among other things, 3M is a substantial contributor to such public nuisance as follows:

- a. 3M manufactured, handled, disposed of, and released PFOA through air emissions from dedicated portions of its Cottage Grove facility associated with the manufacturing of PFOA and PFOA-based products in a manner that it knew, or reasonably should have known, would contaminate Hastings' public wells;
- b. 3M manufactured, handled, disposed of, and released PFOA through air emissions from dedicated portions of its Cottage Grove facility associated with the manufacturing of PFOA and PFOA-based products in a manner that it knew, or reasonably should have known, would deposit PFOA onto soils that would leach into and contaminate Hastings' public wells with PFOA and would be difficult and costly to remove from Hastings' public wells; and
- c. 3M continues to promote and defend PFOA as safe while concealing the threat PFOA poses to groundwater, drinking water, and public health.

193. Despite its knowledge that contamination of Hastings' public wells with PFOA was the inevitable consequence of its conduct, 3M failed to take any reasonable precautionary measures to minimize, reduce, prevent, and/or otherwise mitigate such contamination, and affirmatively misrepresented the hazards of PFOA to Hastings, the general public, and others.

194. 3M knew, or in the exercise of reasonable care should have known, that PFOA released through air emissions from portions of its Cottage Grove facility dedicated to the

manufacturing PFOA and PFOA-based products would be deposited onto soils, leach into and contaminate Hastings' public wells that would and has unreasonably annoyed, injured, or endangered the safety, health, morals, comfort, or repose of Hastings and any considerable number of members of the public in Hastings by contaminating drinking water with PFOA relied upon by Hastings and its residents.

195. 3M has caused, contributed to, maintained, and/or participated in a public nuisance that has caused substantial injury to Hastings' public wells, in which the public has interests represented by and protected by Hastings. 3M's conduct also threatens to cause substantial additional injury to Hastings' public wells.

196. 3M's PFOA continues to leach from the soil into each of Hastings' public well nos. 3, 4, 6, 7, and 8 and will continue to do so and contaminate each such well for many years absent treatment of each well.

197. The contamination of Hastings' public wells with PFOA is ongoing. PFOA continues to threaten, migrate into, and enter Hastings' public wells.

198. PFOA contamination of Hastings' public wells can be abated through the use of well-established technologies to remove PFOA from drinking water wells.

199. As a direct and proximate result of 3M's acts and omissions, Hastings' public wells are contaminated with PFOA. Hastings has incurred, is incurring, and will incur, investigation, remediation, cleanup, restoration, removal, treatment, monitoring, and other costs and expenses related to PFOA contamination of its public wells, for which 3M is jointly and severally liable.

200. 3M's acts and omissions have caused and/or threatened to cause and continue to cause and/or threaten to cause separate injuries to each of Hastings' public well nos. 3, 4, 6, 7, and 8 and 3M is jointly and severally liable for each such injury to an individual well.

XI. FIFTH CAUSE OF ACTION

Statutory Nuisance, Minn. Stat. § 561.01

201. Hastings realleges and reaffirms each and every allegation set forth in all preceding paragraphs as if fully restated in this section.

202. Minnesota statute section 561.01 provides that “[a]nything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance.” It further provides that such an “action may be brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.”

203. 3M has manufactured, handled, disposed of, and released PFOA through air emissions from portions of its Cottage Grove facility dedicated to the manufacturing of PFOA and PFOA-based products in a manner that is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of Hastings' public wells, so as to interfere with the comfortable enjoyment of life or property.

204. 3M, by its intentional, negligent, reckless, and willful acts and omissions set forth above, has, among other things, caused and continues to cause PFOA contamination of Hastings' public wells.

205. 3M has caused, contributed to, maintained, and/or participated in a nuisance by substantially and unreasonably interfering with, obstructing and/or threatening, among other

things, Hastings' free use of its public wells and has interfered with the comfortable enjoyment of life or property by Hastings and its residents.

206. 3M has, at times relevant to this action, caused, contributed to, maintained, and/or participated in the creation of such a nuisance. Among other things, 3M is a substantial contributor to such a nuisance as follows:

- a. 3M manufactured, handled, disposed of, and released PFOA through air emissions from dedicated portions of its Cottage Grove facility associated with the manufacturing of PFOA and PFOA-based products in a manner that it knew, or reasonably should have known, would contaminate Hastings' public wells;
- b. 3M manufactured, handled, disposed of, and released PFOA through air emissions from dedicated portions of its Cottage Grove facility associated with the manufacturing of PFOA and PFOA-based products in a manner that it knew, or reasonably should have known, would deposit PFOA onto soils that would leach into and contaminate Hastings' public wells with PFOA and would be difficult and costly to remove from Hastings' public wells; and
- c. 3M continues to promote and defend PFOA as safe while concealing the threat PFOA poses to groundwater, drinking water, and public health.

207. Despite its knowledge that contamination of Hastings' public wells with PFOA was the inevitable consequence of its conduct, 3M failed to take any reasonable precautionary measures to minimize, reduce, prevent, and/or otherwise mitigate such contamination, and affirmatively misrepresented the hazards of PFOA to Hastings, the general public, and others.

208. 3M knew, or in the exercise of reasonable care should have known, that PFOA released through air emissions from portions of the Cottage Grove facility dedicated to the manufacturing of PFOA and PFOA-based products would be deposited onto soils and leach into and contaminate Hastings' public wells that would and has unreasonably and seriously endangered, injured, and interfered with the ordinary comfort, use, and enjoyment of drinking water relied upon by Hastings and its residents.

209. 3M has caused, contributed to, maintained, and/or participated in a nuisance that has caused substantial injury to Hastings' public wells, in which the public has interests represented by and protected by Hastings. 3M's conduct also threatens to cause substantial additional injury to Hastings' public wells.

210. 3M's PFOA continues to leach from the soil into each of Hastings' public well nos. 3, 4, 6, 7, and 8 and will continue to do so and contaminate each such well for many years absent treatment of each well.

211. The contamination of Hastings' public wells with PFOA is ongoing. PFOA continues to threaten, migrate into, and enter Hastings' public wells.

212. PFOA contamination of Hastings' public wells can be abated through the use of well-established technologies to remove PFOA from drinking water wells.

213. As a direct and proximate result of 3M's acts and omissions, Hastings' public wells are contaminated with PFOA. Hastings has incurred, is incurring, and will incur, investigation, remediation, cleanup, restoration, removal, treatment, monitoring, and other costs and expenses related to PFOA contamination of its public wells, for which 3M is jointly and severally liable.

214. 3M's acts and omissions have caused and/or threatened to cause and continue to cause and/or threaten to cause separate injuries to each of Hastings' public well nos. 3, 4, 6, 7, and 8 and 3M is jointly and severally liable for each such injury to an individual well.

XII. SIXTH CAUSE OF ACTION

Trespass

215. Hastings realleges and reaffirms each and every allegation set forth in all preceding paragraphs as if fully restated in this section.

216. Hastings has had exclusive possession of the public wells that are contaminated by 3M's PFOA and located on property that Hastings exclusively owns in fee at all times relevant to this litigation.

217. 3M's PFOA deposited onto soils as a result of releases of PFOA through air emissions from portions of its Cottage Grove facility dedicated to manufacturing of PFOA and PFOA-based products has invaded and unlawfully and wrongfully entered upon Hastings' public wells and interfered with Hastings' exclusive possession of such public wells.

218. 3M's PFOA continues to leach from the soil into each of Hastings' public well nos. 3, 4, 6, 7, and 8 and will continue to do so for many years absent treatment of each well.

219. PFOA contamination of Hastings' public wells can be abated through the use of well-established technologies to remove PFOA from drinking water wells.

220. Hastings never authorized or gave permission for 3M's entry upon or invasion of its public wells with PFOA.

221. 3M knew, or in the exercise of reasonable care should have known, that PFOA is hazardous to natural resources and property, including groundwater and public drinking water wells, and including Hastings' public wells.

222. 3M's acts and omissions have unlawfully interfered with Hastings' exclusive possession of such public wells. 3M's acts and omissions directly and proximately caused and

continue to cause PFOA to intrude onto, invade, enter, interfere with, and contaminate Hastings' public wells.

223. At the time of 3M's acts and omissions, 3M knew with substantial certainty that PFOA would reach onto and contaminate Hastings' public wells. 3M's knowledge was based on its knowledge of the properties of PFOA, its knowledge and experience regarding manufacturing and use of PFOA at its own facilities and other conduct alleged in this Complaint. Despite this knowledge, 3M manufactured, handled, disposed of, and released PFOA through air emissions from portions of its Cottage Grove facility dedicated to manufacturing of PFOA and PFOA-based products in a manner that it knew, or reasonably should have known, would deposit PFOA onto soils that would leach into and contaminate Hastings' public wells with PFOA and would be difficult and costly to remove from Hastings' public wells.

224. As a direct and proximate result of the trespass, Hastings has been damaged and is entitled to compensatory damages including for the costs of investigation and treatment, ongoing O&M and/or other relief Hastings may seek at trial.

225. As a direct and proximate result of 3M's acts and omissions, Hastings' public wells are contaminated with PFOA. Hastings has incurred, is incurring, and will incur, investigation, remediation, cleanup, restoration, removal, treatment, monitoring, and other costs and expenses related to contamination of such wells, for which 3M is jointly and severally liable.

226. 3M's acts and omissions have caused and/or threatened to cause and continue to cause and/or threaten to cause separate injuries to each of Hastings' public well nos. 3, 4, 6, 7, and 8 and 3M is jointly and severally liable for each such injury to an individual well.

PRAYER FOR RELIEF

Hastings seeks judgment against 3M for:

- A. Compensatory damages arising from PFOA contamination and injury of Hastings' public drinking water well nos. 3, 4, 6, 7, and 8, according to proof, including, but not limited to:
 - (i) costs of investigation;
 - (ii) costs of testing and monitoring;
 - (iii) costs of providing water from an alternate source;
 - (iv) costs to build water treatment plants to remove PFOA from Hastings' public wells;
 - (v) costs of installing and maintaining wellhead treatment including costs of operation and maintenance of such treatment;
 - (vi) any other costs or other expenditures incurred or to be incurred to address PFOA contamination and injury of Hastings' public drinking water wells; and
 - (vii) interest on the damages according to law;
- B. An order to compel 3M to abate the ongoing PFOA contamination of Hastings' public drinking water well nos. 3, 4, 6, 7, and 8 and/or by paying Hastings' costs to abate the PFOA contamination;
- C. Costs (including statutory fees, disbursements, and costs, and reasonable attorney fees, court costs, and other expenses of litigation);
- D. Prejudgment interest; and
- E. Any other and further relief as the Court deems just, proper, and equitable.

JURY TRIAL DEMANDED

Hastings demands a trial by jury on all claims so triable.

Dated: August 26, 2026

CITY OF HASTINGS

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