

September 19, 2025

Via Electronic Submission (<https://dep.nj.gov/3m/comment>)
New Jersey Department of Environmental Protection
Legal, Regulatory, and Enforcement Policy
401 East State Street, 7th Floor
P.O. Box 402
Trenton, New Jersey 08625-0402
Attn: 3M Settlement

RE: Comment in response to 57 N.J.R. 1624 (a), Notice, Judicial Consent Order Approving Settlement with the 3M Company in the Matter of DEP, et al., Case No.: 1:19-CV-14766-RMB-JBC (D.N.J.)

Dear DEP Legal, Regulatory, and Enforcement Policy Staff:

As you are aware, the New Jersey State League of Municipalities represents New Jersey's municipalities, and defends the interests of the State's property taxpayers. We have received significant correspondence from our members, experts and others affected by the New Jersey Department of Environmental Protection's (DEP) settlement with 3M Company (3M). Our members and associates have expressed strong opposition to this settlement. For the following reasons we concur with these positions and oppose the proposed settlement. We therefore request that the proposed Judicial Consent Order (JCO) be vacated and the settlement terms between the State and 3M Company be reconsidered.

The proposed JCO reflecting the DEP's settlement with 3M should be vacated because it is not in the public's interest. The settlement precludes interested parties from exercising their rights to bring existing and future claims against the company in connection with this matter. Among these interested parties are the state's municipalities who have been affected and may continue to be affected by 3M's negligence. Local governments were not included in settlement negotiations despite their obvious interests in the matter. If they were provided the opportunity to opine on these discussions, they would have had the necessary time to assess the impacts and would be better positioned to guard their rights and protect their residents against future economic harm as a result of 3M's contamination. Extending the comment period affords local governments a fair opportunity to further public interest.

While the issue of preclusion from participation in this matter should be enough to urge the DEP to reconsider its terms, the settlement is also inherently inequitable due to its inadequacy. 3M's contamination of various sites within the state has a direct impact on the health and safety of municipalities, which carries exorbitant costs for cleanup and site remediation that will be borne by these municipalities and will eventually be transferred to the state's taxpayers, local businesses, ratepayers, especially start-up businesses and people of low and moderate income. The JCO makes

no mention of how or if local governments will receive relief from 3M or the State to remedy this situation. Funds recovered from this settlement and potential future legal action could help abate the costs associated with PFAS remediation, capital, and operating costs.

To the extent that relief is given to affected local communities, it is likely that the amount recovered from this settlement will be disproportionate to the costs. According to the League's members, experts, and others affected, the monetary amounts in the JCO appear to be based on a gross underestimation of what the true cost of PFAS remediation is likely to be. The settlement proposes a total amount of \$450 million to be paid by 3M to the State over a 25-year period. This payment includes the following schedule: \$275 million to \$325 million in the years 2026-2034, including payments in the first year of \$43.45 million for natural resource damages (NRD) at the Chambers Works Site and \$16.55 million for PFAS abatement projects related to contamination at and from that site; additional payments in 2026-2034 for Statewide NRD and PFAS abatement; payment in the first year of \$40 million to cover legal and other costs and fees and punitive damages; and payment of between \$50 million and \$100 million in 2027-2029 to acknowledge and recognize New Jersey's unique role as a national leader in PFAS abatement and remediation efforts. Comparable estimates for contamination remediation yielded capital costs for PFAS at approximately \$5 billion with an annual operating expense for PFAS removal at \$300 million.

The settlement between the DEP and 3M must be amended to preserve the rights of municipalities. The settlement should provide clear reimbursement mechanisms for local governments for PFAS expenses incurred both known and unknown. The settlement must also account for the vast number of potential effects related to public health, environmental pollution, and treatment efficacy. Accordingly, we express our opposition to the proposed JCO between DEP and 3M in its current form and respectfully urge the DEP to vacate the JCO and revise the settlement's terms to include local governments and a preservation of their rights to pursue future claims for PFAS-related damages.

Very truly yours,



Michael F. Cerra, Executive Director



Sadayah Q. DuRant-Brown, Esq., Legislative Counsel