



November 3, 2021

3M Company
Corporation Service Company – Registered Agent
8040 Excelsior Drive
Suite 400
Madison, WI 53717

Emailed-Return Receipt Requested
2021-WCEE-3M Company
Air Permits: 737009460-P25, 737009460-P30
Wausau Plant

3M Co Wausau Plant
Mark Muerette
144 Rosecrans St
Wausau, WI 54401
mdiaz@mmm.com
mmeurette@mmm.com

Subject: **NOTICE OF VIOLATION AND ENFORCEMENT CONFERENCE**

Dear 3M Company:

The Department of Natural Resources (department) has reason to believe that 3M Company Wausau Plant (3M) is in violation of Wisconsin's air pollution requirements at property located at 144 Rosecrans St, Wausau, WI 54401. These violations were documented during a full compliance evaluation (inspection) beginning October 6, 2021 (the inspection). The department alleges the following violations:

1. Failure to Test for Fugitive Emissions for Processes P30, P32, P33, P34, P39 and P40.

Air Permit 737009460-P30 Condition I.ZZ.1.b.(2)(a): The permittee shall demonstrate compliance with the applicable NSPS fugitive emissions limits for Processes P30, P32, P33, P34, P39 and P40 by: (a) Conducting an initial performance test according to 40 CFR ss. 60.11 and 60.675. The permittee shall conduct initial performance tests within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of the facility. [40 CFR s. 60.672(b) and 40 CFR Part 60, Subpart OOO, Table 3; s. 285.65(13), Wis. Stats.]

During the inspection, 3M stated they have not completed performance testing for fugitive emissions for processes P30, P32, P33, P34, P39 and P40.

2. Failure to Report Deviations to the Department.

Air Permit 737009460-P30 Condition II.D.5.: The permittee shall submit the results of monitoring required by the permit to the Department according to the schedule established in the permit. Any such report shall clearly identify all instances of deviations from permit requirements. All such reports shall be signed by the responsible official for the source. [s. 285.17(2), Wis. Stats., and s. NR 439.03(1)(b), Wis. Adm. Code]

During the inspection, the department reviewed 3M's semiannual monitoring report submitted August 27, 2021. The report did not identify deviations, including those reported to the department on April 12, 2021.

3. Failure to Report CAM Excursions in the Semiannual Monitoring Report.

Air Permit 737009460-P25 condition I.ZZZ.2.a.(3)(a): The permittee shall report the following items in the semiannual monitoring report required by Condition ZZZ.6.b.(1).

- (a) the number of excursions, duration of excursions, cause of excursions, and the corrective actions taken for each excursion. [s. 285.65(13), Wis. Stats. and 40 CFR §64.9]

An excursion is defined as any pressure drop reading outside the indicator range specified in the Compliance Assurance Monitoring (CAM) Plan. The CAM plan states that the indicator range is between 3 and 6 inches of water. During the inspection, the department reviewed 3M's pressure drop records and the semiannual monitoring report dated August 27, 2021. Based on the department's review of these records, there were CAM excursions in the pressure drop records which were not included in the semiannual monitoring report.

4. Failure to Update and Carry Out the Malfunction Prevention and Abatement Plan (MPAP).

Air Permit 737009460-P25/P30 Condition II.F: The owner or operator of any direct or portable source which may emit hazardous substances or emits more than 15 pounds in any day or 3 pounds in any hour of any air contaminant for which emission limits have been adopted shall prepare a written malfunction prevention and abatement plan to prevent, detect, and correct malfunctions or equipment failures which may cause any applicable emission limitation to be violated or which may cause air pollution. Any such plan shall be carried out by the owner or operator. The plan shall be updated at least every 5 years and shall include the items listed in s. NR 439.11(1), Wis. Adm. Code. The Department may require the plan to be submitted for review and approval. All air pollution control equipment shall be operated and maintained in conformance with good engineering practices to minimize the possibility for the exceedance of any emissions limitations. [s. NR 439.11, Wis. Adm. Code].

Note: For this condition, 'source' refers to an individual emissions unit.

As a result of reviewing the MPAP, dated September 2018 and uploaded to the switchboard on October 4, 2021, during the inspection, the department found that:

- a. The MPAP did not include control device C19 (baghouse #15).
- b. The MPAP references outdated pressure drop ranges as being permit limits.
- c. 3M was not conducting calibrations at the frequencies identified in the MPAP.

5. Failure to Calibrate Controls Yearly.

Air Permit 737009460-P25/P30 Condition II.C.2.q.: At a minimum, all instruments used for measuring source or air pollution control equipment operational variables shall be calibrated yearly or at a frequency based on good engineering practice as established by operational history, whichever is more frequent. [ss. NR 439.055(4), Wis. Adm. Code]

During the inspection, the department reviewed 3M's calibration records. Based on the department's review of 3M's calibration records, 3M has not calibrated all instruments annually. In addition, 3M did not maintain records of annual calibrations for all instruments.

6. Failure to Keep and Maintain Records of Technical Drawings for Stack S64.

Air Permit 737009460-P30 Condition I.ZZZ.4.a.(1)(a): Each stack listed shall meet the respective requirements identified in Table 1 below.

(a) The height of each stack above ground level shall be at least the height listed in column (a) of the table below. [ss. 285.63(1)(b) and 285.65(3), Wis. Stats.]

Table 1 – Stack Parameter Requirements			
	(a)	(b)	(c)
Stack ID	Stack Height (feet)	Obstruction Allowed? (yes/no)	Non-vertical Flow Allowed? (yes/no)
S10	135	No	No
S11	39	Yes	No
S12	135	No	No
S16	135	No	No
S17	135	No	No
S18	135	No	No
S19	173	No	No
S51	58	No	No
S52	58	No	No
S53	135	No	No
S54	135	No	No
S55	135	No	No
S57	135	No	No
S58	135	No	No
S61	135	No	No
S62	135	No	No
S64	46	No	No
S65	46	No	No

During the inspection, the department reviewed 3M’s technical drawing of Stack S64. Stack S64 is shown on the technical drawing to be 45 feet and 5 inches, which is less than the height of 46 feet as identified in Table 1.

7. Failure to Meet Cooler Water Flowrate.

Air Permit 737009460-P30 Condition I.K.1.b.(1): The cooler water flowrate shall be at least 0.01 gallons per ton of granules per degree-kiln discharge temperature Fahrenheit (gal/ton/°F-kiln). [s. NR 407.09(1)(a), Wis. Adm. Code]

During the inspection, the department reviewed 3M’s July 2021 cooler water flowrate records. Based on the records, the cooler water flowrate is intermittently less than 0.01 gal/ton/°F-kiln.

We have scheduled the following Enforcement Teleconference to discuss this matter in more detail:

Teleconference Date: November 29, 2021

Teleconference Time: 1:30 PM (Central Time)

Call In: (608) 316-9000, Conference ID/Passcode 33896927#

We request you attend the Enforcement Conference as it is an important opportunity to discuss the circumstances surrounding the alleged violations and to learn your perspective on this matter. Please note that in an effort to encourage a candid and productive conversation, attendance is limited to you, your legal counsel and others with the technical expertise necessary to understand, evaluate and correct the violation.

The department's enforcement decision will be based upon available information if you do not attend the Enforcement Conference.

Please be advised that the alleged violations may be referred to the Department of Justice to obtain court ordered compliance and penalties up to \$25,000 for each violation. Please also be advised that the violations alleged in this notice are also enforceable by the United States Environmental Protection Agency (USEPA).

If you have questions or need to reschedule the conference, please contact me at 715-492-0020.

Sincerely,

A handwritten signature in black ink, appearing to read "David Hon", with a long horizontal flourish extending to the right.

David Hon
Environmental Enforcement Specialist

cc: Ashley Gray
Andrew Seeber
Randy Matty
Maria Hill
James Bridges
Mario Diaz, 3M Company



Environmental Enforcement Conference

An Enforcement Conference (EC) is a meeting between Department of Natural Resources (Department) staff and representatives of a person or business that the Department believes has violated an environmental law. The Department issues a Notice of Violation (NOV) when it has reason to believe that a violation of a permit condition, administrative rule or statutory requirement has occurred. The NOV either offers or schedules an EC.

Why Should I Attend?

The EC is an important opportunity to discuss the Department's basis for the alleged violation(s) and learn more about what happened, why it may have happened, and any factors you believe the Department should consider, such as steps that have been or will be taken to stop the violation, correct any effects of the violation, and prevent violations from occurring in the future. It is also your opportunity to explain why you might disagree with the factual and legal conclusions underlying the NOV.

Historic data shows that most violations are resolved at the EC level, without the need for court ordered compliance and/or penalties. In situations where the significance of the violation warrants further enforcement action, your cooperative efforts to resolve the violation and prevent future violations will help minimize your legal and financial liability.

Who Should Attend the EC?

Department staff involved in the EC typically consists of an Environmental Enforcement Specialist and regulatory staff that are familiar with the issues identified in the NOV.

While not required, you may seek representation by legal counsel or the assistance of an environmental consultant to prepare for and/or attend the EC. The EC is most productive when all involved are well-prepared to discuss the allegations and any corrective actions that may be necessary.

To ensure a productive candid discussion, participation in the EC is limited to the person or business involved and others with the legal or technical expertise necessary to understand, evaluate, mitigate and correct the violation. The EC is not an open meeting under state law and the Department will limit participation to those directly involved in the resolution of the matter.

What Happens if I don't Attend the EC?

If a party is unable to attend the EC, they should immediately contact the Environmental Enforcement Specialist at the phone number in the NOV to reschedule. When a party refuses to attend the EC and provides no further information to the Department, the Department's enforcement decision will be based upon available information.

What Happens Following the EC?

The EC is part of the Department's stepped enforcement process. At the EC, Department staff will explain the process and options available to address the alleged violation. Generally, the options range from closing the matter with no further action to referral to the Wisconsin Department of Justice (DOJ) or to U.S. EPA, for further enforcement action. In limited circumstances, the Department can issue citations, which are handled in local court similar to traffic offenses. If a case is referred to DOJ, the DOJ may initiate an action in court on behalf of the State. The State typically asks the Court to impose financial penalties and order completion of any necessary corrective actions. In most of the Department's cases, a cooperative return to compliance with any necessary restoration results in close out of the case. At close out, the Department will send a letter advising of no further enforcement action.