

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
473 Griffith Avenue
Wisconsin Rapids WI 54484

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



May 14, 2018

3M Company
c/o Corporation Service Company
8040 Excelsior Drive, Suite 400
Madison, WI 53717

Mr. J. Todd Bullard, Plant Manager
3M Company – Wausau Plant
144 Rosecrans Street
P O Box 1207
Wausau, WI 54402-1207

**CERTIFIED MAIL
RETURN RECEIPT**

Permit # 737009460-P25
Air Management
Marathon County

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

Dear Mr. Bullard:

The Department of Natural Resources has reason to believe that 3M Company – Wausau Plant is in violation of state air pollution control laws ch. 285, Wis. Stats., ch. NR 407, Wis. Adm. Code and air permit #737009460-P25 at property located at 144 Rosecrans Street, Wausau, Marathon County, Wisconsin. These violations were documented in an Air Permit Next Business Day Deviation (form 4530-182) report dated April 13, 2018. The Department alleges the following violations:

- Permit 737009460-P25, Conditions I.F.1.b.(1), I.F.2.b.(1) and I.F.3.b.(1) and s. NR 407.09(1)(a), Wis. Adm. Code – Failure to operate baghouse while process is in operation. Process P31 was operated for 4.6 hours without the control equipment in operation (C18, baghouse #12).

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

Date: June 6, 2018
Time: 10:30 a.m.
Location: Wisconsin Department of Natural Resources
5301 Rib Mountain Drive
Wausau, WI 54401

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.

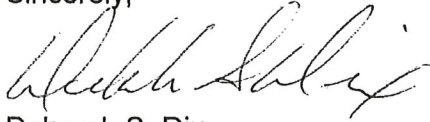
The Department's enforcement decision will be based upon available information if you do not attend the Enforcement Conference.

Please be advised that violations of ch. 285, Wis. Stats., may be referred to the Department of Justice to obtain court ordered compliance and penalties up to \$25,000 per violation. Each day of continued

violation is a separate offense. Please be advised that the violation(s) 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 715/421-9914 or through e-mail at deb.dix@wisconsin.gov.

Sincerely,



Deborah S. Dix
Environmental Enforcement Specialist

Enc. – Environmental Enforcement Conference

c: Ashley Gray, WDNR
Rick Wulk, WDNR
Maria Hill, AM/7
James Bridges, LS/8



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.

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June 11, 2018

Mr. Todd Bullard, Plant Manager
3M Company – Wausau Plant
144 Rosecrans Street
P O Box 1207
Wausau, WI 54402-1207

Permit # 737009460-P25
Air Management
Marathon County

Subj: Notice of Violation and Enforcement Conference Summary

Dear Mr. Bullard:

An enforcement conference was conducted on June 6, 2018 at the Wisconsin Department of Natural Resources (department) Wausau Service Center. The purpose of the conference was to discuss alleged violation of state air pollution control laws ch. 285, Wis. Stats., ch. NR 407, Wis. Adm. Code and air permit #737009460-P25 at 3M Company (3M) property located at 144 Rosecrans Street, Wausau, Marathon County, Wisconsin. A copy of the sign-in sheet is enclosed for your reference.

3M Company representatives were asked to provide some background information regarding Process P-31, Baghouse #12 where the deviation occurred on April 13, 2018. The following was provided:

- This process/baghouse is located in the shipping area where trucks and railcars are loaded with finished / coated product. A dust suppressant is applied in this area. To switch the transfer line from operational to maintenance status only requires pushing a button which shuts down the baghouse but would allow for the line to run for maintenance purposes, overriding the interlock system which runs during operational mode.
- Early morning on April 13, 2018, an electrician had such down the P31, Baghouse #12 for a short period of time to work on the line. Upon completion, the line operator was notified they could start the line back up. The operator started the line but failed to place the system back in "production" mode. Approximately 4 ½ hours later, a maintenance worker walking by recognized that the emission controls were not running and notified the operator.

In response to a November 2016 settlement with the Wisconsin Department of Justice, 3M installed the updated communication system on all processes utilizing air emission controls as a means to ensure that controls could not be shut down without operator awareness and immediate corrective action. 3M representatives indicated that it was not recognized that, after shut down for maintenance, it was possible to restart the process without placing the line in production mode, therefore bypassing the emission controls.

In response to the deviation, 3M has implemented an additional interlock with on-screen notifications for the operator to prevent restarting the process line without the emission controls. Staff training to recognize the notifications was conducted and documented (a copy of the documentation was provided at the conference along with documentation of the on-screen notification).

This facility operates multiple baghouses throughout the plant with similar systems as P-31, Baghouse #12. Department staff discussed with 3M representatives that an evaluation should be done at each

process and corrective actions taken along with the employee training. Training of operators to recognize when the systems are not operational should also be conducted.

As part of the April deviation, calculations were provided by 3M to estimate the potential emissions during the time the process was operating without emission controls. The calculations were completed utilizing AP-42 emission factors as 3M did not have stack testing/emission testing results for the source. A review of department records found two previous stack testing conducted in 1992 and 1995 (with the second being with the baghouse system installed). Utilizing the information from the 1995 stack testing, the potential emissions during the shutdown would have been much greater than utilizing the AP-42 emission factors.

Air Engineer Ashley Gray discussed the stack testing information with 3M representatives and later emailed a copy of the information to 3M. Accurate evaluation of the potential emissions is an important factor in maintaining compliance with your permit.

As follow-up to the Notice of Violation, the following items are to be completed and submitted to Ms. Gray for evaluation:

1. Documentation that all systems which utilize emission control devices which have the potential to operate in the same manner (maintenance vs. production mode) as P-31, Baghouse #12, have been evaluated and corrective actions taken as needed to ensure a similar incident does not occur at another process.
2. Evaluation of the previous stack testing information and process changes which may have occurred since the testing performed in 1995 to determine the current potential emission factors from this process line. Discussion with Ms. Gray as to appropriate factors to consider may be beneficial.

Corrective actions should be completed no later than August 1, 2018.

If you have technical questions, please contact Ms. Ashley Gray at 715/355-9474 or by email at Ashley.Gray@wisconsin.gov. If you have questions regarding this letter or the enforcement process, please contact me at 715/421-9914 or through e-mail at deb.dix@wisconsin.gov.

Sincerely,



Deborah S. Dix
Environmental Enforcement Specialist

c: Ashley Gray, WDNR
Rick Wulk, WDNR
Maria Hill, AM/7
James Bridges, LS/8
Mark Meurette, 3M Company – Wausau Plant, 144 Rosecrans Street, P O Box 1207,
Wausau, WI 54402-1207
Adam Driscoll, 3M Company, 3M Center, Building 0224-05-W-03, St. Paul, MN 55144-1000



July 17, 2018

Mr. Todd Bullard, Plant Manager
3M Company – Wausau Plant
144 Rosecrans Street
P O Box 1207
Wausau, WI 54402-1207

Permit # 737009460-P25
Air Management
Marathon County

Subj: **July 16, 2018 Request for Extension**

Dear Mr. Bullard:

The Wisconsin Department of Natural Resources (department) is in receipt of a request, submitted through e-mail on July 16, 2018 by Mr. Adam Driscoll, for an extension to Item #2 from the June 11, 2018 enforcement conference summary letter (see below).

1. Documentation that all systems which utilize emission control devices which have the potential to operate in the same manner (maintenance vs. production mode) as P-31, Baghouse #12, have been evaluated and corrective actions taken as needed to ensure a similar incident does not occur at another process.
2. Evaluation of the previous stack testing information and process changes which may have occurred since the testing performed in 1995 to determine the current potential emission factors from this process line. Discussion with Ms. Gray as to appropriate factors to consider may be beneficial.

After discussion with Ms. Ashley Gray, the department is extending the deadline for completion of Item #2 to September 1, 2018. It is the departments understanding that the corrective actions for Item #1 have been completed and documentation of those actions will be provided at the same time as Item #2.

If you have technical questions, please contact Ms. Ashley Gray at 715/355-9474 or by email at Ashley.Gray@wisconsin.gov. If you have questions regarding this letter or the enforcement process, please contact me at 715/421-9914 or through e-mail at deb.dix@wisconsin.gov.

Sincerely,

Deborah S. Dix
Environmental Enforcement Specialist

c: Ashley Gray, WDNR
Rick Wulk, WDNR
Maria Hill, AM/7
James Bridges, LS/8
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Wausau, WI 54402-1207
Adam Driscoll, 3M Company, 3M Center, Building 0224-05-W-03, St. Paul, MN 55144-1000