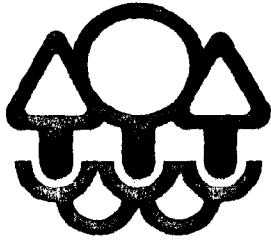


Brian Davis

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JAN 1 1984

ENVIRONMENTAL ENG.
& POLLUTION CONTROL



Minnesota Pollution Control Agency

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED

6 1984

January 11, 1984

B.H. DAVIS

Mr. Joseph T. Ling, Ph.D., P.E.
Vice President
3M
P.O. Box 33131
St. Paul, Minnesota 55133



Dear Mr. Ling:

Re: Notice of Violation, U.S. Environmental Protection Agency and
Minnesota Pollution Control Agency Hazardous Waste Violations

Enclosed and hereby served upon you by Certified U.S. Mail is a Notice of Violation (NOV) that has been issued to 3M for failure to comply with provisions of Minnesota rules and federal statutes and regulations by constructing and improperly operating a hazardous waste storage pile without a state and federal permit and by shipping hazardous waste from the 3M Hector, Hutchinson and New Ulm manufacturing plants to the 3M Chemolite facility in Cottage Grove, Minnesota with improper and unsigned manifests.

During the Minnesota Pollution Control Agency (MPCA) staff's November 2, 1983 inspection at the Chemolite boiler ash disposal site, (MPCA Solid Waste Permit SW-224), the staff observed the recurring unpermitted storage of incinerator ash at the SW-224 facility. As you are aware, the incinerator ash is considered a hazardous waste pursuant to 40 CFR Part 261.3(b),(1) and 6 MCAR § 4.9002. 3M was notified of the improperly stored hazardous wastes by letters dated September 11, 1980, April 3, 1981 and March 15, 1983. Furthermore, the U.S. Environmental Protection Agency (EPA) and MPCA staff discussed this matter with J. Michael Osborn of 3M during an April 28, 1983 conference call. The MPCA and EPA are also concerned that the waste pile has not been indicated on 3M's part "A" or part "B" hazardous waste facility permit applications, and it is not being operated within the requirements contained in 40 CFR Part 265 Subpart L. Therefore, 3M has not achieved interim status and is in violation of Subtitle C Sections 3004 and 3005 of the Resource Conservation and Recovery Act of 1976 (Public Law 94580).

Phone: 612/296-7279

1935 West County Road B2, Roseville, Minnesota 55113-2785

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**Exhibit
1295**

State of Minnesota v. 3M Co.,
Court File No. 27-CV-10-28862

3MA00282920

1295.0001

Mr. Joseph T. Ling, Ph.D., P.E.
Page Two


On September 27, 1982, the MPCA staff informed 3M by letter, that several hazardous waste manifesting violations had been noted during the staff's manifesting review process. On December 3, 1982, the MPCA staff met with 3M officials to discuss the manifesting concerns. 3M presented the MPCA staff with a draft manual titled, "Hazardous Waste Transportation Procedures" which according to 3M would rectify the company's past noncompliance. However, a review of 3M manifests received by the MPCA since January, 1983 indicates that the violations have continued. The manifesting violations, which have been cited in the NOV, are referenced by the 3M manifest number in parenthesis.

The MPCA staff consider this situation to be serious due to the magnitude of the violations. In addition, 3M had been previously informed by the MPCA and EPA that the incinerator ash is a hazardous waste and must be managed accordingly. 3M was also informed that it was making a significant number of errors on its hazardous waste manifests.

The enclosed NOV requires 3M to address the incinerator ash presently stored at SW-224 and the manifesting violations within ten days. However, in order to address the long term management of the incinerator ash, the closure of the existing waste pile and a plan that will prevent future manifesting errors, the MPCA intends to initiate further enforcement actions through a Stipulation Agreement which will include monetary penalties.

3M is requested to notify this office in writing, within ten days of receipt of this letter of its intentions to comply with the requirements of the NOV. Should you have any further questions or require further information, please contact Michael J. Tibbetts of my staff at 612/216-7394.

Sincerely,



Larry P. Christensen, Supervisor
Hazardous Waste Compliance and Enforcement Unit
Regulatory Compliance Section
Solid and Hazardous Waste Division

LPC/MJT:pak

Enclosure

cc: Richard E. Lewis, City of Cottage Grove
Lee Hoffmeier, 3M Chemolite, Cottage Grove
Michael B. Ayers, Washington County, Stillwater
Richard Dell, EPA, Chicago