



# Minnesota Pollution Control Agency

July 18, 2006

**CERTIFIED MAIL NO. 7005 3110 0002 5656 2476**  
**RETURN RECEIPT REQUESTED**

Mr. Gary Hohenstein  
Environmental Manager, Special Projects  
3M Company  
P.O. Box 33331  
Building 42-2E-27  
St. Paul, MN 55133-3331

RE: PFO Data Set Request

Dear Mr. Hohenstein:

Minnesota Pollution Control Agency (MPCA) staff are requesting information regarding omission of effluent data submittal by 3M Company (3M). This effluent data specifically pertains to analysis of perfluorochemical compounds (PFCs) in the 3M Cottage Grove Plant (3M plant) effluent discharges. The 3M plant discharges process wastewater and cooling water to the Mississippi River pursuant to authorization by the National Pollutant Discharge Elimination System (NPDES) / State Disposal System (SDS) Permit MN0001449. MPCA staff have determined that 3M conducted analytical testing of the 3M plant effluent discharge on several occasions during the period of January-March 2001, pursuant to a 3M project titled "Fluorochemical Characterization of Facility Wastewaters", but did not submit that analytical data, as requested by the MPCA and required by Federal and State Rules.

Pursuant to review of the 3M Fluorochemical Data Assessment Report (3M FC Report), recently submitted to the MPCA on April 7, 2006, MPCA staff discovered that a series of analyses for PFCs had been completed by 3M on the 3M Cottage Grove wastewater treatment plant effluent (discharge) during the period of January through March 2001. The April 7, 2006 3M FC Report lists the average PFC concentrations of 5 individual PFC compounds, and stated that these PFC compound averages were based on 8 separate data points during this period of testing. This PFC effluent data is listed in Table 4-10 of the April 7, 2006 3M FC Report. (Note that the April 7, 2006 3M FC Report incorrectly listed the dates as January-March 2000, later corrected by 3M).

**Exhibit  
2571**

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

520 Lafayette Rd. N., Saint Paul, MN 55155-4194; (651) 296-6300 (Voice); (651) 282-5332 (TTY); [www.pca.state.mn.us](http://www.pca.state.mn.us)

St. Paul • Brainerd • Detroit Lakes • Duluth • Mankato • Marshall • Rochester • Willmar

Equal Opportunity Employer • Printed on recycled paper containing at least 20 percent fibers from paper recycled by consumers.

MN.064.0120.000599

**2571.0001**

Mr. Gary Hohenstein  
Environmental Manager, Special Projects  
3M Company  
Page 2  
July 18, 2006

MPCA staff find that effluent analyses for PFCs were completed by 3M on 8 separate occasions during this January-March period in 2001, including January 8-14, January 15-21, January 22-29, January 29-February 4, February 5-11, February 12-18, February 19-25, and February 26-March 4. During these 8 sampling periods, composite samples were collected over approximate one week periods for each sampling event.

Pursuant to the discovery that effluent PFC data existed for the January-March 2001 period for 8 separate weeks of composite sampling events, MPCA requested that 3M submit all of this data. This request was stated in an e-mail from Don Kriens of MPCA staff to 3M staff on April 18, 2006. 3M responded with submittal of the January-March 2001 PFC effluent data via an e-mail dated April 20, 2006. 3M later followed up with the laboratory reports for this January-March 2001 PFC effluent data on May 9, 2006.

MPCA staff had previously requested that 3M submit all PFC effluent data for the 3M plant 4 years ago in March 2002. At that time MPCA staff were in the process of drafting the NPDES/SDS permit for reissuance for the 3M plant. Just prior to that timeframe MPCA staff had learned of the PFC contamination problem and toxicity of PFCs, and that PFCs had been discharged to the Mississippi River from the 3M plant for many years. This was pursuant to discussion with 3M staff and disclosure of some PFC effluent data submitted in the NPDES/SDS permit application, dated February 8, 2002. PFCs had not been routinely monitored in the 3M plant effluent. MPCA staff was interested in any and all PFC effluent data compiled by 3M since it was pertinent to our understanding of the extent of the PFC problem, and understanding the extent to which PFCs had been discharged from the 3M plant in the past, in order to begin to assess environmental impacts and evaluate the need for any environmental investigations. MPCA staff also needed to be able to assess the capability of the then proposed activated carbon treatment system to be installed at the plant. Although the activated carbon treatment system was being installed to remove acute effluent toxicity caused by alkyl phenol ethoxylates, MPCA believed that this system was needed at the 3M plant to remove other organic contaminants generated at the plant and discharged to wastewater, including PFCs.

As noted above, MPCA staff initially learned that 3M had tested the 3M plant effluent (discharge to the Mississippi River) for PFCs from data submitted in the NPDES/SDS application of February 8, 2002. The data submitted in the February 2002 NPDES/SDS permit application showed that PFCs had been monitored and analyzed in the 3M plant effluent on 3 occasions in September through October of 2001. The September-October 2001 data listed average concentrations for 5 PFC compounds. Based on review of this NPDES/SDS permit application data showing the presence of PFCs, MPCA then requested that 3M submit any other PFC discharge/effluent data compiled by 3M. This request was made via e-mail from Don Kriens of MPCA staff on March 7, 2002, and via a telephone call from Don Kriens to 3M staff just prior to that e-mail. (The March 7, 2002 e-mail is attached). 3M did not submit any further PFC data even though more PFC effluent data existed.

Mr. Gary Hohenstein  
Environmental Manager, Special Projects  
3M Company  
Page 3  
July 18, 2006

The omission of effluent data submittal by 3M, although specifically requested by MPCA staff, is particularly notable since the omitted January-March 2001 PFC 3M plant effluent data demonstrates that significantly higher concentrations of PFCs were actually being discharged to the river from the plant versus the data provided to the MPCA in the February 2002 NPDES/SDS permit application.

Based on the recently acquired January-March 2001 PFC effluent data MPCA staff calculate that the average total of PFC compounds in the 3M plant effluent discharged was 4409 ppb, whereas the data submitted in the 2002 NPDES permit application calculates a significantly lower average total PFC compounds discharged at 582 ppb. These calculations are based on the same 5 PFC compounds. It should be noted that 21 individual PFC compounds were analyzed by 3M in January-March 2001, from which MPCA staff calculates an average total of 6809 ppb of PFC compounds discharged.

The omitted January-March 2001 PFC sampling and analytical data was also more comprehensive with approximately 8 separate weeks of testing, versus the data submitted in the February 2002 NPDES/SDS permit application, and therefore would have provided the most representative assessment of PFCs in the 3M discharge. MPCA staff also now find that 3M did not submit all of individual PFC compound analytical data in the NPDES/SDS permit application for the September-October 2001 PFC analyses, including additional data for total, free, and organic fluorine, although additional PFC compound data existed.

The MPCA alleges that 3M is in violation of the following Federal requirements pertaining to the NPDES/SDS permit application.

1. 40 CFR 122.21 Application for a Permit

(g) *Application requirements for existing manufacturing, commercial, mining, and silvicultural dischargers.* Existing manufacturing, commercial mining, and silvicultural dischargers applying for NPDES permits, except for those facilities subject to the requirements of §122.21(h), shall provide the following information to the Director, using application forms provided by the Director.

(13) *Additional information.* In addition to the information reported on the application form, applicants shall provide to the Director, at his or her request, such other information as the Director may reasonably require to assess the discharges of the facility and to determine whether to issue an NPDES permit. The additional information may include additional quantitative data and bioassays to assess the relative toxicity of discharges to aquatic life and requirements to determine the cause of the toxicity.

Mr. Gary Hohenstein  
Environmental Manager, Special Projects  
3M Company  
Page 4  
July 18, 2006

2. 40 CFR 122.41 Conditions applicable to all permits (applicable to State programs, see Minn. Stat. § 123.25).

Reporting Requirements. (8) *Other information*. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

The MPCA alleges the Regulated Party violated these requirements in the submittal of the NPDES/SDS permit application dated February 8, 2002.

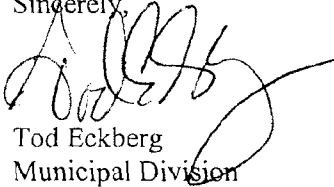
The MPCA requests the following information:

1. Submit all 3M plant effluent PFC data, including all previously submitted data, compiled prior to February 8, 2002. In addition, please include any lab sheets pertaining to each PFC analysis.
2. Submit any other 3M plant effluent PFC data not previously submitted to the MPCA (not to include the discharge monitoring report data beginning January 2003), and any other PFC data for internal wastewater stream monitoring, wastewater treatment system and activated carbon system performance testing, or other PFC testing related to the 3M plant effluent not previously submitted.
3. Submit a response identifying the reasons why the previously collected PFC sample results for January-March 2001 and any other PFC data compiled prior to February 8, 2002 and not previously submitted, were not included in the NPDES/SDS permit application dated February 8, 2002.
4. Submit a plan which will prevent this from occurring in the future.

Mr. Gary Hohenstein  
Environmental Manager, Special Projects  
3M Company  
Page 5  
July 18, 2006

Please submit the information requested above within 30 days of the date of this letter to the address listed below. If you have any questions regarding this matter, please contact me at (651) 296-7737.

Sincerely,



Tod Eckberg  
Municipal Division

TE:dac

Enclosure

cc: Steve Giddings, MPCA  
Beth Lockwood, MPCA  
Don Kriens, MPCA

Address Questions and Submittals Requested Above To:

Tod Eckberg  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
(651) 296-7737