

bcc: G. Hohenstein - 21-2W-05
J. Osborne - 21-2W-05
B. Bracht - 42-4W-05
G. Weum - Chemolite
P. Davis - 220-12E-02

L. Ludford - 225-5N-04

File: CHEM10b



Minnesota Pollution Control Agency

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 3, 1984

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 at the 3M Chemolite Facility, Cottage Grove, MN0006172969

The Minnesota Pollution Control Agency (MPCA) is cooperating with the U.S. Environmental Protection Agency (EPA), Region V, in carrying out the provisions of the Resource Conservation and Recovery Act (RCRA) of 1976, Public Law 94-580. In this effort, personnel of the MPCA are conducting inspections of facilities in Minnesota that are engaged in the generation, transportation, storage, treatment, or disposal of hazardous waste materials.

Mike Tibbetts and Gary Eddy, of the MPCA, Ken Skahn of the EPA and Tom Dellenbach from Washington County inspected 3M Chemolite on January 25, 1984 and Mike Tibbetts and Tom Dellenbach conducted a second inspection on February 9, 1984. 3M was represented by Gary Hohenstein, Michael Osborn, Lee Hoffmeier, Gordy Weum and Fred Robinette on January 25, 1984 and Lee Hoffmeier, Harold Garry, William Herber, Wayne Neuman, Ray Rankin, Wayne Renstrom, Dan Warner, Don Foley, Tom Wolf and T. O. Braafladt on February 9, 1984. Two inspections were conducted due to the size and nature of the hazardous waste activity at 3M Chemolite. The January 25, 1984 inspection involved the 3M Chemolite incinerator and related hazardous waste storage areas. The February 9, 1984 inspection involved the 3M Chemolite Manufacturing Divisions and related hazardous waste generation areas. In order to clearly address both inspections, they will be discussed separately.

Phone: 612/296-7279

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**Exhibit
1298**

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

February 9, 1984 3M Chemolite Manufacturing Divisions Inspection

The inspection was conducted at three of the seven 3M Chemolite Manufacturing Divisions specifically, the Specialty Chemical Division, Industrial Abrasives Division and the Printed Products Division. Since generated hazardous wastes were managed similarly by the three divisions and 3M officials informed the staff that the remaining four divisions managed their waste in the same manner, they will be inspected at a later date.

Based on the inspection, 3M Chemolite Manufacturing Divisions are in compliance with the state and federal hazardous waste generator requirements. 3M also exhibited a thorough knowledge of preparedness and prevention procedures in the event an emergency situation occurs at any of the 3M Chemolite Manufacturing Divisions. This is further demonstrated by the comprehensive training 3M has given to its employees responsible for hazardous waste management.

January 25, 1984 3M Chemolite Treatment and Storage Facility Inspection

The inspection of the 3M Chemolite Hazardous Waste Treatment and Storage Facility consisted of an inspection of the incinerator, indoor and outdoor container storage areas, tank storage area, and the incinerator ash management and storage area. The inspection also included a thorough review of the facilities administrative recordkeeping practices and administrative requirements relating to hazardous waste management. A total of twelve violations were noted during the inspection. The more serious violations include:

1. Failure to have an appropriate inspection schedule and inspection log;
2. Lack of emergency communications equipment at the outdoor container storage area and tank storage area;
3. Failure to meet adequate aisle space requirements at the indoor and outdoor container storage areas;
4. Storage of hazardous waste in leaking containers at the indoor storage area;
5. Inadequate hazardous waste handling practices at the indoor storage area;
6. Failure to report and recover spills of hazardous waste at the tank storage area;
7. Failure to have an adequate dike and liner system at the incinerator ash staging area.
8. Failure to have an adequate operating record.

Notice of Violation

The MPCA staff considers the violations of the Minnesota and federal hazardous waste regulations noted during the January 25, 1984 inspection of the 3M Chemolite hazardous waste treatment and storage facility to be very serious in nature. Therefore, enclosed and hereby served upon you by Certified U.S. Mail, is a Notice of Violation (NOV) that has been issued to 3M for improperly managing hazardous waste at the 3M Chemolite Hazardous Waste Treatment and Storage Facility. The NOV documents the Minnesota and federal hazardous waste violations noted during the January 25, 1984 inspection. In order to address the violations cited in the NOV issued to 3M on January 11, 1984 and the violations in the enclosed NOV, the MPCA staff intends to initiate further enforcement action through a Stipulation Agreement which will include monetary penalties. A Stipulation Agreement is a legally enforceable document that represents an out of court settlement to achieve compliance with the Minnesota hazardous waste rules. The MPCA staff anticipates completing a draft Stipulation Agreement by late April, 1984. As discussed at the January 31, 1984 meeting with Michael Santoro and Michael Osborn, a meeting will be scheduled with 3M representatives to discuss the contents of the Stipulation Agreement as soon as the draft Stipulation Agreement is completed.

A copy of this letter, NOV and inspection report will be sent to the EPA, Region V office in Chicago, Illinois. If you have any questions, please contact Michael J. Tibbetts of my staff at 612/296-7394 or Kenneth Skahn of the EPA, Region V at 312/886-6198.

Sincerely,



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

LPC/MJT:pak

cc: Richard Dell, U.S. Environmental Protection Agency, Region V, Chicago
Michael B. Ayres, Washington County, Stillwater
Richard E. Lewis, Assistant Administrator, City of Cottage Grove
Michael Santoro, 3M, St. Paul
Lee Hoffmeier, Chemolite/3M, St. Paul