



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 25 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J.A. Doll
Plant Manager
3M Company
Cottage Grove Abrasives System Division
10746 Innovation Road
Cottage Grove, Minnesota 66016

Padraic S. McGuire
Lab Manager
3M Company
Cottage Grove Traffic Safety and Security Division
10746 Innovation Road
Cottage Grove, Minnesota 66016

Dear Messrs. Doll and McGuire:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves *In the Matter of 3M Company CAA-05-2014-0055*. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on SEP 25 2014.

Pursuant to paragraph 83 of the CAFO, 3M Company must pay the civil penalty within 30 days of the effective date of this CAFO. Your electronic funds transfer must display the case name "3M Company" and the docket number CAA-05-2014-0055.

Please direct any questions regarding this case to Kasey Barton, Office of Regional Counsel Attorney, at (312) 886-7163.

Sincerely,

Brian Dickens
Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:) Docket No. CAA-05-2014-0055
)
3M Company) Proceeding to Assess a Civil Penalty
Cottage Grove, Minnesota,) Under Section 113(d) of the Clean Air Act,
) 42 U.S.C. § 7413(d)
Respondent.)



Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. Complainant is the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is 3M Company, a corporation doing business in Minnesota.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations and alleged violations in this CAFO.

8. Respondent waives its right to seek judicial review of this CAFO under Section 113(d)(4) of the CAA, 42 U.S.C. § 7413(d)(4), its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

New Source Performance Standards

9. Section 111(b) of the CAA, 42 U.S.C. § 7411(b), requires EPA to publish a list of categories of sources, which, in EPA's judgment, cause or contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare, and to promulgate standards of performance for new stationary sources within these categories. These standards are known as "new source performance standards" or "NSPS."

10. The NSPS are national technology-based performance standards for air pollutant sources constructed or modified after a specified date. The purpose of the standards is to ensure that all new or modified sources of air pollutants will be designed to meet emission limitations achievable through the application of the best technological system for emission reduction.

11. Section 111(e) of the CAA, 42 U.S.C. § 7411(e), prohibits the owner or operator of any new source from operating such source in violation of any standard of performance applicable to such source.

12. Under Section 111(b) of the CAA, 42 U.S.C. § 7411(b), EPA promulgates NSPS for categories of sources and codifies those requirements at 40 C.F.R. Part 60.

13. 40 C.F.R. Part 60, Subpart A contains general provisions applicable to the owner or operator of any stationary source which contains an affected facility subject to NSPS. These include definitions at 40 C.F.R. § 60.2, notification and record keeping provisions at 40 C.F.R. § 60.7 and performance test requirements at 40 C.F.R. § 60.8.

14. Under 40 C.F.R. § 60.2, an “affected facility” means any apparatus subject to a performance standard under the NSPS regulations.

15. Under 40 C.F.R. § 60.2, “construction” means fabrication, erection or installation of an affected facility.

16. The NSPS, at 40 C.F.R. § 60.7(a)(1), requires the owner or operator of an affected facility to furnish EPA a notification of the date of construction of an affected facility postmarked no later than 30 days after such date.

17. The NSPS, at 40 C.F.R. § 60.7(a)(3), requires the owner or operator of an affected facility to furnish EPA a notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

18. The NSPS, at 40 C.F.R. § 60.8, requires the owner or operator of an affected facility to conduct a performance test on the affected facility and to furnish EPA a written report of the results of the performance test within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial startup of the affected facility.

19. On September 28, 1992, EPA promulgated standards of performance for calciners and dryers in mineral industries, which were codified at 40 C.F.R. Part 60, Subpart UUU (“NSPS Subpart UUU”). *57 Fed. Reg.* 44503.

20. Under 40 C.F.R. § 60.730, the affected facility to which Subpart UUU applies is each calciner and dryer at a mineral processing plant that commences construction, modification, or reconstruction after April 23, 1986.

21. Under 40 C.F.R. § 60.731, “calciner” means the equipment used to remove combined (chemically bound) water and/or gases from mineral material through direct or indirect heating. This definition includes expansion furnaces and multiple hearth furnaces.

22. Under 40 C.F.R. § 60.731, “dryer” means the equipment used to remove uncombined (free) water from mineral material through direct or indirect heating.

23. Under 40 C.F.R. § 60.731, “mineral processing plant” means any facility that processes or produces any of the following minerals, their concentrates or any mixture of which the majority (>50 percent) is any of the following minerals or a combination of these minerals: alumina, ball clay, bentonite, diatomite, feldspar, fire clay, fuller’s earth, gypsum, industrial sand, kaolin, lightweight aggregate, magnesium compounds, perlite, roofing granules, talc, titanium dioxide, and vermiculite.

24. The NSPS, at 40 C.F.R. § 60.736, sets forth test methods that owners and operators of affected facilities must use when conducting the performance test(s) required under 40 C.F.R. § 60.8.

25. The NSPS, at 40 C.F.R. § 60.734(d), provides that the owner or operator of an affected facility who uses a wet scrubber to comply with the mass emission standard for any affected facility shall install, calibrate, maintain, and operate monitoring devices that continuously measure and record the pressure loss of the gas stream through the scrubber and the scrubbing liquid flow rate to the scrubber.

26. The NSPS, at 40 C.F.R. § 60.735(b), provides that each owner or operator who uses a wet scrubber to comply with the emission limits in 40 C.F.R. § 60.732 shall determine and record once each day, from the recordings of the monitoring devices in 40 C.F.R. § 60.734(d), an arithmetic average over a 2-hour period of both the change in pressure of the gas stream across the scrubber and the flow rate of the scrubbing liquid. Under 40 C.F.R. § 60.735(a), records of the measurements set forth above shall be retained for at least 2 years. 40 C.F.R. § 60.735(c) requires that each owner or operator submit written reports semiannually of exceedances of control device operating parameters required to be monitored by NSPS Subpart UUU.

Title V Requirements

27. Section 503 of the CAA, 42 U.S.C. § 7661b, sets forth the requirement for subject sources to submit a timely, accurate and complete application for a Title V permit, including information required to be submitted with the application.

28. 40 C.F.R. § 70.1(a) require all subject sources to have a Title V permit that assures compliance by the source with all applicable requirements.

29. 40 C.F.R. § 70.5(a) and (c) require timely and complete permit applications for Title V permits with required information that must be submitted and 40 C.F.R. § 70.6 specifies required permit content. To be deemed complete, an application must contain information sufficient to evaluate the subject source and its application and to determine all applicable requirements.

30. EPA fully approved Minnesota's Title V operating program on December 1, 2001. 66 *Fed. Reg.* 62967. Minnesota's Title V operating permit program regulations are codified at Minn. R. 7007 and are federally enforceable pursuant to 40 C.F.R. § 52.23 and the CAA, 42 U.S.C. § 7413a(3).

Minnesota State Implementation Plan

31. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of primary and secondary National Ambient Air Quality Standards in the state. Upon approval by EPA, the plan becomes part of the applicable State Implementation Plan for the state.

32. On July 24, 1995, EPA approved the Minnesota (MN) SIP requirement at Minn R. 7007.0500 as part of the federally approved MN SIP. 60 *Fed. Reg.* 27411. The MN SIP at Minn. R. 7007.0500 requires a Title V permit applicant to submit an application that includes all information needed to determine the applicability of, or to impose, any applicable requirement. An application must include, *inter alia*, all applicable requirements to which a source is subject, enforceable emission limitations and standards, a schedule of compliance, and other conditions necessary to assure compliance with all applicable requirements.

33. The MN SIP, at Minn. R. 7007.0500, Subpart 3, requires a responsible official to sign and certify any Title V application with regard to the truth, accuracy and completeness of the information contained within.

Enforcement of the CAA

34. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$270,000 for violations that occurred after March 15, 2004 through January 12, 2009, and may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for violations that occurred after January 12, 2009 through December 6, 2013 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

35. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

36. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

EPA alleges as follows:

Abrasive Systems Division

37. 3M owns and operates an abrasive processing plant known as the Abrasive Systems Division located at 10746 Innovation Road, Cottage Grove, Minnesota.

38. On October 31, 2003, the Minnesota Pollution Control Agency (MPCA) issued CAA Title V Permit Air Emission Permit Number 16300017-002, effective November 11, 2005 (Title V Permit), to 3M Cottage Grove Abrasive Systems Division.

39. 3M owns and operates emission units EU002, EU026 and EU033 at the Abrasive Systems Division, as identified in its Title V Permit.

40. Emission units EU002, EU026 and EU033 were installed at the Abrasive Systems Division in 1989, 1995 and 2000, respectively.

41. 3M did not include the applicability of NSPS Subpart UUU to emission units EU002, EU026 and EU033 in its Title V permit application to MPCA on April 17, 1995, or when it submitted a major amendment to the Title V Permit on June 6, 2005.

42. On March 7, 2011, 3M submitted to EPA an applicability determination request as to whether emission units EU002, EU026, EU033 are “affected facilities” subject to NSPS Subpart UUU.

43. On March 7, 2011, 3M disclosed to EPA potential violations of NSPS Subpart UUU relating to emission units EU002, EU026, EU033 concurrently with the applicability determination request described in paragraph 42, above. For each affected facility, 3M disclosed that it failed to submit a notification of the date of construction as required by 40 C.F.R. § 60.7(a)(1), failed to submit notification of the actual date of initial start-up as required by 40 C.F.R. § 60.7(a)(3), and failed to complete an initial performance test for particulate matter and opacity as required by 40 C.F.R. § 60.8.

44. On April 5, 2011, EPA issued 3M an applicability determination, finding that emission units EU002, EU026, EU033 are “affected facilities” subject to NSPS Subpart UUU.

45. On May 27, 2011, after EPA issued the applicability determination described in paragraph 44, above, 3M submitted notifications of the dates of construction and initial start-up for emission units EU002, EU026, EU033 to EPA as required by 40 C.F.R. § 60.7(a)(3).

46. On July 27, 2011, 3M submitted a permit amendment request to MPCA to include applicability of NSPS UUU and associated compliance requirements for EU002, EU026, and EU033 in the Abrasive Systems Division Title V permit.

47. On August 5, 2011, EPA notified 3M that it did not qualify for possible reduction or elimination of gravity-based penalties under EPA’s Audit Policy, (*See* 65 Fed. Reg. 19618 (April 11, 2000)), associated with 3M’s disclosed violations of NSPS Subpart UUU at the Abrasive Systems Division.

48. On September 9, 2011, 3M submitted a response to EPA's July 21, 2011 request for information issued pursuant to Section 114 of the CAA, 42 U.S.C. § 7414.

49. On September 20, 2011, EPA issued 3M a Notice of Violation and Finding of Violation (NOV/FOV) for the violations identified above.

50. On November 3, 2011, EPA met with 3M to discuss the violations cited in the September 20, 2011 NOV/FOV.

51. After the November 3, 2011 conference, EPA reconsidered its determination that emission units EU002, EU026 and EU003 are subject to NSPS UUU. On February 3, 2012, EPA issued a second applicability determination with respect to these units, finding that they are "affected facilities" subject to NSPS Subpart UUU.

52. On November 3, 2011, 3M submitted stack test reports for the performance tests conducted on emission units EU002, EU026 and EU033 in accordance with 40 C.F.R. § 60.8. 3M conducted the performance tests for emission units EU002 and EU033 on July 12 through 13, 2011, using the test methods required by 40 C.F.R. § 60.736. 3M conducted the performance tests for emission unit EU026 on August 30 through 31, 2011, using the test methods required by 40 C.F.R. § 60.736.

53. Based on the stack test reports submitted on November 3, 2011, emission units EU002, EU026 and EU033 are in compliance with the emission standards of NSPS Subpart UUU.

54. 3M failed to furnish EPA a notification of the dates of construction for emission units EU002, EU026 and EU033 postmarked no later than 30 days after such dates in violation of 40 C.F.R. § 60.7(a)(1) and Section 111 of the CAA, 42 U.S.C. § 7411.

55. 3M failed to furnish EPA a notification of the actual dates of initial startup for emission units EU002, EU026 and EU033 postmarked within 15 days after such dates in violation of 40 C.F.R. § 60.7(a)(3) and Section 111 of the CAA, 42 U.S.C. § 7411.

56. 3M failed to conduct a performance test using the test methods required by 40 C.F.R. § 60.736 and to furnish EPA a written report of the results of the performance test no later than 180 days after initial start-up of emission units EU002, EU026 and EU033 in violation of 40 C.F.R. § 60.8 and Section 111 of the CAA, 42 U.S.C. § 7411.

57. 3M failed to submit a timely and complete application for a Title V operating permit for the Abrasive Systems Division that: (i) identifies all applicable requirements, including the applicability of NSPS Subpart UUU to emission units EU002, EU026, and EU033; (ii) accurately certifies compliance with such requirements; and (iii) contains a compliance plan for all applicable requirements for which it is not in compliance, in violation of the MN SIP at Minn. R. Chapter 7007.0500; 40 C.F.R. Part 70, and Title V of the CAA.

Traffic Safety and Security Division

58. 3M owns and operates a mineral processing plant located at 10746 Innovation Road, Cottage Grove, Minnesota known as the Traffic Safety and Security (TSS) Division.

59. On January 15, 2002, the MPCA issued CAA Title V Permit Air Emission Permit Number 16300059-002, effective April 7, 2005 (Title V Permit) to 3M Cottage Grove TSS Division.

60. 3M owns and operates emission units EU016, EU018, and Calciner #3, listed as an "Insignificant Emission Unit" at the TSS Division, as identified in its Title V Permit.

61. 3M installed emission units EU016 and EU018 in 1995 and installed Calciner #3 in 1994.

62. 3M did not include the applicability of NSPS Subpart UUU to emission units EU016, EU018 and Calciner #3 in its Title V application to MPCA on April 12, 1995 or when it submitted a major amendment to the Title V Permit on November 16, 2005.

63. On July 14, 2011, after EPA issued the April 5, 2011 applicability determination described in paragraph 44, above, 3M disclosed to EPA potential violations of NSPS Subpart UUU relating to emission units EU016, EU018, and Calciner #3. For each affected facility, 3M disclosed that it failed to submit a notification of the date of construction as required by 40 C.F.R. § 60.7(a)(1), failed to submit notification of the actual date of initial start up as required by 40 C.F.R. § 60.7(a)(3), and failed to complete an initial performance test for particulate matter and opacity as required by 40 C.F.R. § 60.8. 3M further stated that EU018 has not been operational since 1998, and that 3M would complete performance testing on EU018 within 30 days of restarting it.

64. On August 5, 2011, after EPA issued the applicability determination described in paragraph 44, above, EPA notified 3M that it did not qualify for possible reduction or elimination of gravity-based penalties under EPA's Audit Policy, (*See* 65 Fed. Reg. 19618 (April 11, 2000)), associated with 3M's disclosed violations of NSPS Subpart UUU at the TSS Division.

65. On August 17, 2011, 3M submitted notifications of the dates of construction and initial start-up for emission units EU016, EU018, and Calciner #3 to EPA as required by 40 C.F.R. §§ 60.7(a)(1) and 60.7(a)(3) and Section 111 of the CAA, 42 U.S.C. § 7411.

66. On October 26, 2011, 3M submitted a response to EPA's October 7, 2011 request for information issued pursuant to Section 114 of the CAA, 42 U.S.C. § 7414.

67. 3M's October 26, 2011 response indicated that 3M uses a wet scrubber to comply with the mass emission standard for emission unit EU016 and had not installed, calibrated, maintained and operated any monitoring device that continuously measures and records the pressure loss of the gas stream through the scrubber and the scrubbing liquid flow rate to the scrubber and does not record the gas stream across the scrubber and the flowrate of the scrubbing liquid daily for emission unit EU016.

68. On November 3, 2011, 3M informed EPA that it began monitoring and recording pressure drop and flow rate of the scrubbing liquid for the wet scrubber used to control emissions from emission unit EU016 as required by 40 C.F.R. §§ 60.734(d) and 60.735.

69. Emission units EU016, EU018 and Calciner #3 are each an "affected facility" subject to NSPS Subpart UUU.

70. On December 1, 2011, 3M submitted stack test reports for the performance tests of emission units EU016 and Calciner #3. 3M conducted the performance tests on October 18, 24 and 25, 2011, as required by 40 C.F.R. § 60.736.

71. Based on the stack test reports submitted on December 1, 2011, emission units EU016 and Calciner #3 are in compliance with the emission standards of NSPS Subpart UUU.

72. On March 27, 2012, EPA issued 3M a NOV/FOV for the violations identified above at the TSS Division.

73. On November 6, 2012, 3M submitted a permit amendment request to MPCA to include applicability of NSPS UUU and associated compliance requirements for EU016, EU018 and Calciner #3 in the TSS Division Title V permit.

74. On May 7, 2013, EPA met with 3M to discuss the violations identified above at the TSS Division.

75. On July 31, 2014, EPA sent a letter approving 3M's request to waive performance test requirements and establishing alternative operating parameters under NSPS Subpart UUU for EU 016 at 3M's TSS facility. Specifically, EPA found that EU 016 had satisfactorily demonstrated compliance with the applicable emission standard for particulate matter and established the following alternative operating parameters for EU 016's scrubber: (1) a water flow rate range of 3.44 to 5.16 gallons per minute; and (2) a pressure drop of greater than 4.03 inches.

76. 3M failed to furnish EPA a notification of the dates of construction for emission units EU016, EU018 and Calciner #3 postmarked no later than 30 days after such dates in violation of 40 C.F.R. § 60.7(a)(1) and Section 111 of the CAA, 42 U.S.C. § 7411.

77. 3M failed to furnish EPA a notification of the actual dates of initial startup for emission units EU016, EU018 and Calciner #3 postmarked within 15 days after such dates in violation of 40 C.F.R. § 60.7(a)(3) and Section 111 of the CAA, 42 U.S.C. § 7411.

78. 3M failed to conduct a performance test using the test methods required by 40 C.F.R. § 60.736 and to furnish EPA a written report of the results of the performance test no later than 180 days after initial start-up of emission units EU016, EU018 and Calciner #3 in violation of 40 C.F.R. § 60.8 and Section 111 of the CAA, 42 U.S.C. § 7411.

79. From 1995 to November 2011, 3M failed to install, calibrate, maintain and operate monitoring devices that continuously measure and the scrubbing liquid flow rate to the scrubber for emission unit EU016, in violation of 40 C.F.R. § 60.734(d) and Section 111 of the CAA, 42 U.S.C. § 7411.

80. From 1995 to November 2011, 3M failed to determine and record once each day from the monitoring device required by 40 C.F.R. § 60.734(d), an arithmetic average over a 2-

hour period of both the change in pressure of the gas stream across the scrubber and the flowrate of the scrubbing liquid for emission unit EU016, in violation of 40 C.F.R. § 60.735 and Section 111 of the CAA, 42 U.S.C. § 7411.

81. 3M failed to submit a timely and complete application for a Title V operating permit for the TSS Division that: (i) identifies all applicable requirements, including the applicability of NSPS Subpart UUU to emission units EU016, EU018, and Calciner #3; (ii) accurately certifies compliance with such requirements; and (iii) contains a compliance plan for all applicable requirements for which it is not in compliance, in violation of the MN SIP at Minn. R. Chapter 7007.0500; Title V of the CAA, and 40 C.F.R. Part 70.

Civil Penalty

82. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, cooperation and prompt compliance, Complainant has determined that an appropriate civil penalty to settle this action is \$65,000.

83. Within 30 days after the effective date of this CAFO, Respondent must pay a \$65,000 civil penalty by electronic funds transfer, payable to "Treasurer, United States of America," and send to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045

Field Tag 4200 of the Fedwire message should
read: "D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state Respondent's name and the docket number of this CAFO.

84. Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses when it pays the penalty:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Kasey Barton (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

85. This civil penalty is not deductible for federal tax purposes.

86. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

87. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This

nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

General Provisions

88. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

89. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

90. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws.

91. Respondent certifies that to the best of its knowledge and belief after reasonable inquiry it is complying with the MN SIP, Title V of the CAA and NSPS Subpart UUU of the CAA at the Cottage Grove Abrasive Systems Division and the Traffic Safety and Security Division.

92. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

93. The terms of this CAFO bind Respondent, its successors and assigns.

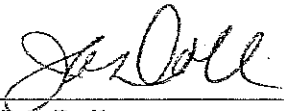
94. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

95. Each party agrees to bear its own costs and attorneys fees in this action.

96. This CAFO constitutes the entire agreement between the parties.

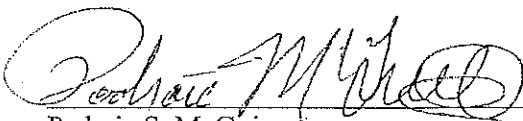
3M Company, Respondent

8/29/14
Date



J.A. Dell
Plant Manager
Cottage Grove Abrasive System Division

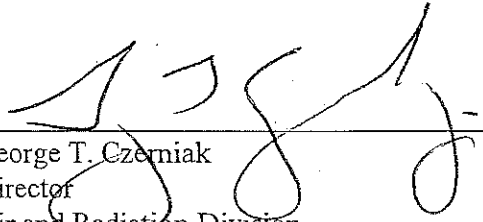
9/5/14
Date



Padraic S. McGuire
Lab Manager
Cottage Grove Traffic Safety and Security Division

United States Environmental Protection Agency, Complainant

9/17/14
Date




George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: 3M Company
Docket No. CAA-05-2014-0055

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

9-22-2014
Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the Matter of: 3M Company
Docket No. CAA-05-2014-0055

Certificate of Service

I certify that I filed two originals of the Consent Agreement and Final Order (CAFO), docket number CAA 05 2014 0055 with the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604, and that I mailed one original to the Respondent by first-class, postage prepaid, certified mail, return receipt requested, addressed as follows:

J.A. Doll, Plant Manager
3M Company
Cottage Grove Abrasives System Division
10746 Innovation Road
Cottage Grove, Minnesota 66016

Padraic S. McGuire, Lab Manager ~ 70091680 0000 7676 2427
3M Company
Cottage Grove Traffic Safety and Security Division
10746 Innovation Road
Cottage Grove, Minnesota 66016

I certify that I sent a copy of the CAFO by intra-office mail to:


Regional Judicial Officer (C-14J)
U.S. Environmental Protection Agency
77 W. Jackson Boulevard
Chicago, Illinois 60604

I also certify that I mailed a copy of the CAFO by first-class mail to:

Katie Koelfgen, Manager
Land and Air Compliance Division
Minnesota Pollution Control Agency
520 Lafayette Road N
St. Paul, MN 55155-4194

Adam Kushner
Hogan Lovells US LLP
Columbia Square
555 13th Street, NW
Washington, D.C. 20004

On the 25 day of Sept 2014.


Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER(S):

70091680 0000 7676 2410