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

JUL 15 2009

REPLY TO THE ATTENTION OF:
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ed Piatti, Plant Manager
3M Company
1301 Lowell Street
Elyria, Ohio 44035

Re: Finding of Violation
3M Company, Elyria, Ohio

Dear Mr. Piatti:

U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to 3M Company (you). We find that you are violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Elyria, Ohio cellulose sponge manufacturing facility.

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial, civil, or criminal action.

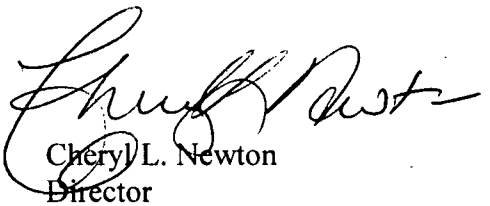
We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

EPA contact in this matter is Erik Hardin. You may call him at (312) 886-2402 to request a conference. You should make the request within 10 calendar days following receipt of this

letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Dennis Bush, APC Supervisor
Northeast District Office

United States Environmental Protection Agency Region 5

IN THE MATTER OF:	)	
	)	
3M Company	)	**FINDING OF VIOLATION**
Elyria, Ohio	)	
	)	**EPA-5-09-OH-18**
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	
	)	

FINDING OF VIOLATION

U.S. Environmental Protection Agency finds that 3M Company is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, 3M is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Cellulose Products Manufacturing at 40 C.F.R. Part 63, subpart UUUU (the Cellulose MACT) as follows:

Regulatory Background

1) The Cellulose MACT at 40 C.F.R. § 63.5480 *et seq.* was promulgated on June 11, 2002. 67 *Fed. Reg.* 40055, as amended at 70 *Fed. Reg.* 46,694 (Aug. 10, 2005).

2) According to 40 C.F.R. § 63.5485(a) and § 63.5610(g), you are subject to the MACT if you own or operate a cellulose products manufacturing operation that is located at a major source of hazardous air pollutants (HAPs).

3) 40 C.F.R. § 63.5485(a) defines a cellulose products manufacturing operation to include the Miscellaneous Viscose Processes source category which includes all cellulosic-sponge operations.

4) Cellulosic-sponge operations mean the collection of the cellulosic sponge process unit and any other equipment, such as heat exchanges systems, wastewater and waste management units, or cooling towers, that are not associated with an individual cellulosic sponge process unit, but are located at a cellulosic sponge operation for the purpose of manufacturing cellulosic sponges and are under common control. 40 C.F.R § 63.5610.

5) According to 40 C.F.R. § 63.5485(b), a major source of HAPs is any stationary source or group of stationary sources located within a contiguous area and under common control

that emits or has the potential to emit any single HAP at 10 tons per year (TPY) or more, or any combination of HAP at 25 TPY or more.

6) According to 40 C.F.R. § 63.5495(b)(1), cellulosic sponge operations that are existing affected sources were required to comply with the Cellulose MACT at June 13, 2005.

7) According to 40 C.F.R. § 63.5490(b), an affected source for the Miscellaneous Viscose Processes source category is, *inter alia*, each cellulosic sponge operation.

8) According to 40 C.F.R. § 63.5490(f), an existing affected source is one not constructed or reconstructed after August 28, 2000.

9) The Cellulose MACT, at 40 C.F.R. § 5505(a), requires owners or operators of affected sources to comply with the work practice standards and emission limits in Table 1 of the Cellulose MACT. 40 C.F.R. Pt. 63, Subpt. UUUU, Table 1.

10) Table 1 of the Cellulose MACT at 1.e.i. requires owners or operators of existing affected cellulosic sponge operations to reduce their total uncontrolled sulfide emissions (reported as carbon disulfide) by at least 75 percent based on a six month average.

11) Table 1 of the Cellulose MACT at 1.e.ii. requires that owners or operators of each existing or new cellulosic sponge operation route each vent stream that they choose to control using a control device through a closed-vent system to the control device.

12) According to 40 C.F.R. § 63.5610(b), the definitions in 40 C.F.R. Pt. 63, Subpt. G (40 C.F.R. § 63.111) apply to all affected sources complying with the closed vent system requirements.

13) According to 40 C.F.R. § 63.111, a closed-vent system is a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission point to a control device.

14) According to 40 C.F.R. § 63.111, a vent stream is the gas stream flowing through the process vent.

15) According to 40 C.F.R. § 63.5610(g), a process vent is a point of discharge to the atmosphere (or the point of entry into a control device, if any) of a HAP-containing gas stream from the unit operation.

16) According to 40 C.F.R. § 63.5610(g), a non-recovery control device means an individual unit of equipment capable of and normally used for the purpose of capturing or treating HAP emissions, including biofilters.

17) According to 40 C.F.R. §§ 63.5530(a) and 5535(g)(5), owners or operators of affected sources using non-recovery control devices must calculate the monthly average percent reduction for their affected source over the month-long period of the compliance demonstration as described in Table 3 of the Cellulose MACT. Table 3 of the Cellulose MACT requires preparation of a material balance that includes the pertinent data used to determine the percent reduction of total sulfide emissions. 40 C.F.R. Pt. 63, Subpt. UUUU, Table 3 at 1.e.i.3.

18) According to 40 C.F.R. § 63.5555(a), owners or operators of affected sources must demonstrate continuous compliance with each emission limit, operating limit, and work practice standard in Tables 1 and 2 of the Cellulose MACT that applies to them according to methods specified in Tables 5 and 6 of the Cellulose MACT.

19) Table 5 of the Cellulose MACT at 1.a.i.1. and 1.a.i.2. requires owners or operators to maintain a material balance that includes the pertinent data used to determine the percent reduction of total sulfide emissions and to document the percent reduction of total sulfide emissions using the pertinent data from the material balance. 40 C.F.R. Pt. 63, Subpt. UUUU, Table 5 at 1.a.i.1 & 2.

20) According to 40 C.F.R. §§ 63.5555(b) and 63.5580(d), owners or operators of affected sources are required to report each instance in which they were not in continuous compliance with each applicable emission limit, operating limit, and work practice standard in their semi-annual compliance report.

21) According to 40 C.F.R. § 63.5585, owners or operators of affected sources must keep the applicable records identified in Table 9 of the Cellulose MACT. Table 9 of the Cellulose MACT requires that records be maintained of all pertinent data for the material balance calculation used to continually quantify the 6-month rolling average percent reduction in HAP emissions. 40 C.F.R. Pt. 63, Subpt. UUUU, Table 9 at 9.

Factual Background

22) 3M's facility located at 1301 Lowell Street in Elyria, Ohio (3M's facility) is a cellulosic sponge operation and is a major source of HAPs.

23) 3M's cellulosic sponge operation was constructed before August 28, 2000, and is an existing affected source under the Cellulose MACT.

24) Since June 13, 2005, the cellulosic sponge operation at 3M's facility has been required to comply with the Cellulose MACT.

25) 3M's facility operates a biofilter system to reduce its sulfide emissions. The biofilter system is a non-recovery control device.

26) Four sponge-forming lines are operated at 3M's facility. These sponge-forming lines constitute process vents under the Cellulose MACT.

27) Some of the emissions from the sponge-forming lines at 3M's facility are ducted to the biofilter control device.

28) Within 180 days after June 13, 2005, 3M was required to conduct a one-month long material balance calculation to demonstrate initial compliance with the applicable emission limit in Table 1 of the Cellulose MACT, and has been required to maintain this material balance calculation to demonstrate continuous compliance with the applicable emission limit in Table 1 of the Cellulose MACT since that date.

29) Since June 13, 2005, 3M has been required to report, among other things, deviations of its work practice standards at 3M's facility in all semi-annual compliance reports required by the Cellulose MACT.

30) Since June 13, 2005, 3M has been required to maintain records of all pertinent data for the material balance calculation to continually quantify the rolling 6-month average percentage HAP reduction for the facility.

Violations

31) Many of the vent streams that 3M has chosen to control at 3M's facility are not routed to the biofilter system through a closed-vent system. This is a violation of 40 C.F.R. § 63.5505(a).

32) To date, 3M has not conducted an appropriate one-month long material balance calculation to demonstrate initial compliance with the applicable emission limit in Table 1 of the Cellulose MACT. This is a violation of 40 C.F.R. §§ 63.5530(a) and 5535(g)(5).

33) 3M has not maintained a material balance calculation to demonstrate continuous compliance with the applicable emission limit in Table 1 of the Cellulose MACT. This is a continuing violation of 40 C.F.R. § 63.5555(a).

34) 3M has not reported each instance in which it was not in continuous compliance with work practice standards in its semi-annual compliance reports. Specifically, 3M has failed to report that it does not route each vent stream that it chooses to control through a closed-vent system to the control device. This constitutes recurring violations of 40 C.F.R. §§ 63.5555(b) and 63.5580(d).

35) 3M has not kept the applicable records in Table 9 of the Cellulose MACT that constitute all of the pertinent data for the material balance calculation used to continually quantify the 6-month rolling average percent reduction in HAP emissions. This is a continuing violation of 40 C.F.R. § 63.5585.

Date: 7/15/09

Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-09-OH- , by Certified Mail, Return Receipt Requested, to:

Ed Piatti, Plant Manager
3M Company
1301 Lowell Street
Elyria, Ohio 44035

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Dennis Bush, APC Supervisor
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

on the 16 day of July, 2009.

Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0192 1703