

State of Wisconsin
Department of Natural Resources

PUBLIC NOTICE ON:

- (I) THE PROPOSED AMENDMENT TO THE OCTOBER 1, 2002, ENVIRONMENTAL COOPERATIVE AGREEMENT BETWEEN THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND 3M;
- (II) THE PRELIMINARY DETERMINATION TO ISSUE AIR POLLUTION CONTROL CONSTRUCTION AND OPERATION PERMIT TO 3M MENOMONIE, WI FACILITY;
- (III) A PUBLIC HEARING ON THE ABOVE.

(I). Proposed Amendment to a Cooperative Environmental Agreement

On October 1, 2002, the Wisconsin Department of Natural Resources (DNR), and 3M signed an Environmental Cooperative Agreement (Agreement) regarding the 3M facility in Menomonie, Wisconsin. This Agreement was developed under Wisconsin's Environmental Cooperation Pilot Program (Program) pursuant to Section 299.80, Wis. Statutes.

The October 1, 2002 Agreement, recognized that DNR and 3M would pursue an amended Agreement that outlined innovative regulatory approaches and flexibilities incorporated as part of an air pollution control operations permit at the 3M facility, located at 1425 Stokke Parkway, Menomonie, Dunn County, WI, 54751. Now, pursuant to Section 299.80 (7)(b), Wis. Stats., DNR is proposing to amend that Agreement with 3M.

DNR will consider these inclusions following this Public Notice, Comment Period, Public Hearing, and the conditions pursuant to Section 299.80 (7) (b) (1) and Section 299.80 (8) Wis. Statutes.

3M volunteered to help DNR pilot new approaches to environmental regulation through the Program. The proposed Amendment contains the language that determines how DNR and 3M will carry out the goals of the Program. Public comments on the proposed Amendment are welcome. See below.

(a). Variances to be granted

The Amendment includes language that establishes a facility-wide emissions cap, and environmental management commitments beyond those ordinarily required by DNR rules. The Amendment, Part III, **Appendix (E)**, Air Pollution Control Permit for 3M, outlines the specific requirements of operation for the facility while operating under the Agreement.

The Amendment includes language that offers flexibility on 3M's air pollution control permits with commitments to reduce existing allowable VOC emissions of 400 Tons Per Year (TPY) to 249 TPY and establish the facility as a synthetic minor source. The Amendment establishes pre-approved conditions and specifies any emission control requirements, monitoring, record-keeping requirements that need to be done in conjunction with the pre-approved projects. In conjunction with their Environmental Management System (EMS), 3M will set additional goals and targets related to reduced hazardous waste, reduction of VOCs per pound of good output of 25%, reduction of chemical and solid waste per good output of 25%, reduction of Toxic Release Inventory (TRI) emissions per good output by 50% and plans to double the amount of "Pollution Prevention Pays Projects". The Amendment to the Agreement provides a variance, which allows monthly record keeping and calculations in lieu of daily record keeping and calculations.

(b). Benefits of the Amendment to the Agreement

This Amendment will begin the Title V permitting process to produce a facility-wide air pollution control construction and operating permit for 3M Menomonie that combines environmental management commitments beyond those ordinarily required by DNR rules with operational flexibility for the manufacturing facility. The terms of the Amendment should also provide economic stability for 3M and the community. Under the terms of the Amendment and as a requirement of an ISO 14001 registration, 3M will conduct yearly audits of its EMS and provide performance evaluations to the DNR. 3M will also make information on its progress available to the public, and will hold regular meetings with an established community interested persons group.

(c). About the Environmental Cooperation Pilot Program

The Environmental Cooperation Pilot Program (Program) was passed by the State Legislature as part of the 1997 – 1999 Biennial Budget. Though the opportunity for new companies to sign on to the pilot project reached its sunset on October 1, 2002, current agreements with participating facilities can be amended as needed or requested. The Program is designed to evaluate innovative environmental regulatory methods including whole-facility regulation. It encourages the use of systematic assessments of environmental impacts from this facility, and is designed to focus on reducing pollution in an efficient and cost effective manner. The Program provides increased flexibility for pilot facilities that not only maintain existing levels of environmental protection, but also go beyond and provide superior environmental performance. Furthermore, the Program encourages substantial public participation by those affected by the activities at the facility.

(d). How DNR will make a final decision on the proposed Amendment

In making a final decision on the Amendment to the October 1, 2002 Agreement, DNR will insure that the applicant has complied with all of the requirements in s. 299.80(6)(d), Wis. Stats. DNR will also review and consider all public comments received within the 30-day public comment period and at the public hearing. In consultation with the project manager and other staff, the DNR Secretary will decide whether or not to sign and implement the Amendment. The conditions under Part III of the Air Pollution Control Construction and Operation Permit of the Amended Agreement would apply upon signing of the Amendment and issuance of the permit to 3M.

The Amendment is not subject to review under ch. 227, Wis. Stats. The Amendment, once issued, is subject to review under ch. 227, Wis. Stats. To request a contested case hearing pursuant to s. 227.42, Wis. Stats., a person has 30 days after the Agreement is issued to serve a petition for hearing upon the Secretary of the DNR. A request for contested case hearing should be made in accordance with s. NR 2.05(5), Wis. Adm. Code. The filing of a request for contested case hearing is not a prerequisite for judicial review under ch. 227, Wis. Stats., and does not extend the time limits for filing a petition for judicial review.

(II). Wisconsin Department of Natural Resources Preliminary Analysis on an Air Pollution Control Permit at 3M Menomonie facility, 1425 Stokke Parkway, Menomonie, Wisconsin.

Air Pollution Operation Permit Nos.: 617056660-P01, 95-MMH-616-R1-OP, and 03-JAJ-055-OP
Air Pollution Construction Permit No: 04-SJZ-142

3M submitted to DNR a permit application for a Title V Air Pollution Control Permit for the facility. The application included plans and specifications that considers 3M Menomonie as one source (all divisions will be incorporated under one source) under one facility identification number (FID) as 617056660. Prior to the October 1, 2002, Agreement between 3M and DNR, all divisions at the 3M Menomonie facility were considered separate facilities with separate facility identification (FID) numbers.

The West Central Region Air Program, Eau Claire Regional Area Office of the DNR has analyzed these materials and has made a preliminary determination that operation of this air pollution source will meet applicable criteria for permit approval as stated in ss. 285.63 and 285.64, Wis. Stats., including both the emission limits and the ambient air standards and that the application is approvable. This preliminary determination does not constitute approval from the Air Management Program or any other DNR sections, which may also require a review of the project (See below for additional information locations.)

(III). Additional Information Locations, Public Comment Period and a Public Hearing

(a). Additional Information Locations:

Complete information on the proposed Amendment to the Agreement, the preliminary determination and analysis regarding the issuance of an Air Pollution Control Construction and Operation Permit can be found at <http://dnr.wi.gov/org/caer/cea/ecpp/>. The above information will also be available for public inspection at the DNR Bureau of Air Management Headquarters, Seventh Floor, 101 South Webster, Madison. Additional locations for viewing documents include the DNR Eau Claire Regional Office, 1300 W. Clairemont Ave., Eau Claire, Wisconsin; and the Menomonie Public Library, 600 Wolske Bay Rd.,

