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U.S. EPA REGION 5
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. RCRA-05-2024-0015
)	
3M Chemical Operations LLC)	Proceeding to Commence and Conclude
Cordova, Illinois,)	an Action to Assess a Civil Penalty
)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent.)	42 U.S.C. § 6928(a)

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 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. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is 3M Chemical Operations LLC (3M), a corporation doing business in the State of Illinois.

5. 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).

6. 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.

7. 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

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives 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

11. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3001 – 3007, among others, of RCRA, 42 U.S.C. §§ 6921 – 6927.

12. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions.

13. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-

3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Illinois final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3778 (January 31, 1986).

15. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. The Administrator of U.S. EPA may assess a civil penalty of up to \$121,275 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

Complainant's Factual Allegations and Alleged Violations

16. Respondent is a "person" as defined by 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

17. Respondent is the "owner" or "operator," as those terms are defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10, of a facility located at 22614 Rt 84 N. Cordova, IL (Facility).

18. At all times relevant to this CAFO, Respondent's Facility consisted of land and structures, other appurtenances, and improvements on the land used for storing of hazardous waste.

19. Respondent's Facility is a "facility" as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

20. At times relevant to this CAFO, Respondent used a solvent wash to clean its process reactors.

21. At times relevant to this Complaint, Respondent held spent solvent waste generated from the cleaning of process reactors, a discarded material, for temporary periods in containers in central accumulation areas before the material was shipped from the Facility for off-site treatment, storage, disposal, or incineration.

22. Respondent characterized its spent solvent waste as hazardous waste code D001 (ignitable).

23. Respondent stored, transported, disposed of, or otherwise handled its spent solvent waste in containers as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

24. At all times relevant to this CAFO, Respondent's spent solvent waste was a "solid waste" as that term is defined under 35 Ill. Adm. Code § 721.102 and 40 C.F.R. § 261.2.

25. At all times relevant to this CAFO, Respondent's spent solvent waste was a "hazardous waste" as that term is defined under 35 Ill. Adm. Code § 721.103 and 40 C.F.R. § 261.3.

26. At all times relevant to this CAFO, Respondent's holding of spent solvent waste in containers constituted hazardous waste "storage," as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

27. At times relevant to this CAFO, while operating chemical manufacturing process

units in Buildings 3 and 23, liquid condensate hazardous waste was generated and stored in six blowdown tanks located in Buildings 3 (four tanks) and 23 (two tanks).

28. Prior to November 2020, process vents associated with the operating chemical manufacturing process in Buildings 3 and 23 were connected to the six blowdown tanks. This connection was blinded in November 2020, and since that time the blowdown tanks have served solely for purposes of overpressure protection.

29. 3M has maintained the blowdown tanks were part of the manufacturing process, and that the tanks and the material present in them were exempt from regulation under the manufacturing process unit exemption set forth at 35 Ill. Adm. Code § 721.104(c) and 40 C.F.R. § 261.4(c).

30. At times relevant to this CAFO, Respondent held liquid condensate hazardous waste, a discarded material, for temporary periods in tanks before the material was shipped from the Facility for treatment, storage, disposal, or incineration elsewhere.

31. U.S. EPA has determined that the blowdown tanks were not eligible for inclusion under the manufacturing process unit exemption.

32. The blowdown tanks have been blinded from the vent tanks and serve as an immediate response containment system as set forth in Ill. Adm. Code § 725.101(c)(11), having met the closure requirements set forth in 40 CFR § 265.197. To serve as an immediate response containment system, material is removed no later than 36 hours after it enters the tanks by opening the tank's drainage system until a steady, continuous flow has ceased.

33. As of the dates of U.S.EPA's March 2018 inspection, Respondent had not conducted hazardous waste determinations of any of the liquid condensate hazardous waste

described in Paragraph 30, above.

34. Respondent's blowdown tanks stored or otherwise handled liquid condensate hazardous waste in tanks as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

35. At all times relevant to this CAFO, Respondent's liquid condensate hazardous waste was a "solid waste" as that term is defined under 35 Ill. Adm. Code § 721.102 and 40 C.F.R. § 261.2.

36. At all times relevant to this CAFO, Respondent's liquid condensate hazardous waste was a "hazardous waste" as that term is defined under 35 Ill. Adm. Code § 721.103 and 40 C.F.R. § 261.3.

37. At all times relevant to this CAFO, Respondent's holding of liquid condensate hazardous waste in tanks constituted hazardous waste "storage," as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

38. Respondent is a "generator," as that term is defined in 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

39. The Facility was generating and managing hazardous waste on or before November 19, 1980.

40. On March 5 through 9, 2018, U.S. EPA conducted a Compliance Evaluation Inspection of the 3M Cordova facility.

41. On July 5, 2019, U.S. EPA issued a Notice of Violation to Respondent alleging certain violations of RCRA discovered during the inspection.

42. On September 12, 2019, and November 16, 2022, Respondent submitted to U.S. EPA written responses to the Notice of Violation.

43. At all times relevant to this CAFO, the State of Illinois had not issued a permit to Respondent to treat, store, or dispose of hazardous waste at its Facility.

44. At all times relevant to this CAFO, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at its Facility.

45. On or about August 18, 1980, Respondent submitted a Hazardous Waste Notification to U.S. EPA for the Facility.

46. The Hazardous Waste Notification indicated that Respondent is a Large Quantity Generator (LQG).

47. At times relevant to this CAFO, the Facility generated during each calendar month more than 1000 kg (“LQG”) of hazardous waste.

Complainant’s Count 1: Storage of Hazardous Waste Without a Permit or Interim Status

48. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

49. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited.

50. Pursuant to 35 Ill. Adm. Code § 722.134, however, and subject to certain exceptions, a LQG of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a permit or interim status, provided that the LQG complies with all applicable conditions set forth in 35 Ill. Adm. Code § 722.134, including, but not limited to, specified requirements for owners and operators in 35 Ill. Adm. Code § 725.

51. A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code § 725

and the permit requirements of 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121; unless the generator has been granted an extension to the 90-day period. Storage for more than 90 days subjects the generator of hazardous waste to the requirement to either obtain a permit or achieve interim status.

52. At all times relevant to this Complaint, Respondent had not been granted an extension to accumulate hazardous waste for more than 90 days.

53. Similarly, the failure to comply with any of the conditions of 35 Ill. Adm. Code § 722.134, subjects the generator of hazardous waste to the requirements of 35 Ill. Adm. Code § 725 and the permit requirements of 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121.

54. In order for an LQG of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must accumulate hazardous waste onsite for 90 days or less.

55. At the time of the inspection, Respondent failed to accumulate hazardous waste onsite for 90 days or less in six (6) blowdown tanks (two (2) hazardous waste storage tanks were located in Building 23 and four (4) tanks were located in Building 3) without obtaining or applying for a permit.

56. Accordingly, Respondent failed to satisfy the condition(s) for maintaining its exemption from the requirement that it have an operating permit or interim status.

57. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins.

58. At the time of the inspection, Respondent failed to mark two containers of

hazardous waste in a 90-day storage area with the accumulation start dates. One container was a tanker trailer containing spent solvent located in the Building 18's 90-day hazardous storage area. The other container was a 55-gallon container of corrosive waste located in the Building 3's 90-day hazardous waste storage area.

59. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must clearly mark each container and tank holding hazardous waste with the words "Hazardous Waste."

60. At the time of the inspection, Respondent failed to mark one container and six hazardous waste storage tanks with the words "Hazardous Waste."

61. As a result of Respondent's failure to meet all of the applicable conditions for the generator exemption provided by 35 Ill. Adm. Code § 722.134, Respondent became an operator of a hazardous waste treatment, storage, and disposal facility (TSDF).

62. Respondent's storage of hazardous waste without a permit or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the requirements of 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121; and 40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13.

Complainant's Count 2: Failure to Inspect Hazardous Waste Storage Area

63. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

64. As an operator of TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code § 725.

65. 35 IAC §§ 722.134(a)(1)(A) and 725.274 requires the inspection, at least weekly, of areas where hazardous waste containers are stored to look for leaking containers and

deterioration of containers.

66. At the time of the inspection, Respondent had not conducted a weekly inspection of containers holding hazardous waste that were located in the Building 18's 90-day hazardous waste storage area during the week of October 15-21, 2018.

67. Respondent's failure to inspect, at least weekly, areas where hazardous waste containers are stored violated 35 Ill. Adm. Code § 725.274.

Complainant's Count 3: Failure to Ensure Containers Holding Hazardous Waste are Closed

68. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

69. As an operator of TSD, Respondent is subject to the requirements of 35 Ill. Adm. Code § 725.

70. 35 IAC §§ 722.134(c)(1) and 725.273(a) requires that containers holding hazardous waste are always closed during storage, except when it is necessary to add or remove waste.

71. At the time of the inspection, Respondent had one 55-gallon container holding hazardous waste liquids with an unsecured lid while not actively adding or removing waste. The 55-gallon container was located in a satellite accumulation area of Building 18.

72. Respondent's failure to ensure containers holding hazardous waste are always closed during storage, except when it is necessary to add or remove waste violated 35 Ill. Adm. Code § 725.273(a).

Complainant's Count 4: Failure to Comply with Subpart BB Requirements

73. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

74. As an operator of a TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code § 725.

75. 35 IAC §§ 722.134(a)(1)(A) and 725.956(a)(1) requires equipping each open-ended valve or line with a cap, blind flange, plug or a second valve.

76. At the time of the inspection, Respondent had four open-ended valves that were not covered with a cap, blind flange, plug or a second valve. Two of the open-ended valves were located in the Building 18 solvent area and two were located in Building 20. The valve capping was corrected during the inspection.

77. Respondent's failure to equip each open-ended valve or line with a cap, blind flange, plug or a second valve violates 35 Ill. Adm. Code § 725.956(a)(1).

Complainant's Count 5: Failure to Comply with Subpart CC Requirements

78. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

79. As an operator of TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code § 725.

80. 35 Ill. Adm. Code §§ 722.134(a)(1)(A) and 725.987(d)(3)(A)(ii) require that whenever a hazardous waste is in a container using Level 2 controls, install all covers and closure devices for the container and secure and maintain each closure device in the closed position except when discrete quantities or batches of material intermittently are added to the container over a period of time, and must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being

filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

81. At the time of the inspection, Respondent had two tanker trucks holding spent solvent with open hatches while no one was adding to or removing waste from the containers. One open hatch was observed in Building 18 with a reading of 12,000 ppm using the Thermo Scientific toxic vapor analyzer 1000B (TVA). The second open hatch was observed in Building 16 with a reading of 6,000 ppm using the TVA.

82. Respondent's failure, when a hazardous waste was in a container using Level 2 controls, to install all covers and closure devices, securing, and maintaining each closure device in the closed position when not adding discrete quantities or batches of material intermittently to the container over time violates 35 Ill. Adm. Code §§ 722.134(a)(1)(A) and 725.987(d)(3)(A)(ii).

83. 35 IAC §§ 722.134(a)(1)(A), 725.987(d)(1)(A), 725.987(d)(1)(B), and 725.987(d)(1)(C) require that a container using Container Level 2 controls is one of the following: (A) A container that meets the applicable U.S Department of Transportation (DOT) regulations on packaging hazardous materials for transportation as specified in subsection (f); (B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g); and, (C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test) in Appendix A to 40 CFR 60 (Test Methods),

incorporated by reference in 35 Ill. Adm. Code 720.111 (b), in accordance with the procedure specified in subsection (h).

84. At the time of inspection, Respondent could not produce documentation that any of the three Level 2 container options were being met for four tanker trucks holding spent solvent.

85. Respondent's failure to produce documentation that a container using Level 2 controls met any of the following: (A) A container that meets the applicable U.S Department of Transportation (DOT) regulations on packaging hazardous materials for transportation as specified in subsection (f); (B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g); and, (C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test) in Appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111 (b), in accordance with the procedure specified in subsection (h) violates 35 Ill. Adm. Code §§ 725.987(d)(1)(A), 725.987(d)(1)(B), and 725.987(d)(1)(C).

86. 35 IAC §§ 722.134(a)(1)(A) and 35 Ill. Adm. Code § 725.987(d)(4)(b) requires that if a container used for managing hazardous waste remains at a facility for a period of one year or more, the owner or operator must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (d)(4)(C).

87. At the time of inspection, Respondent was not meeting the requirements of Subpart CC by not conducting the required thorough inspections of a tanker containing hazardous waste. The tanker was located in Building 18's 90-day hazardous waste storage area.

88. Respondent's failure to visually inspect containers used for managing hazardous waste remaining at the facility for a period of one year or more, covers and closure devices initially, and thereafter at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position, violates 35 Ill. Adm. Code § 725.987(d)(4)(b).

Complainant's Count 6: Failure to Conduct and Document Daily Hazardous Waste

Storage Tank Inspections

89. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

90. As an operator of a TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code § 725.

91. 35 Ill. Adm. Code §§ 722.134(a)(1)(B) and 725.295(g) requires that daily inspections are documented in the facility operating record for the six blowdown tanks (four in Building 3 and two in Building 23).

92. Respondent did not document daily tank inspections for six blowdown tanks (four in Building 3 and two in Building 23). Prior to November 2019, Respondent was conducting annual and semiannual periodic maintenance (PM) checks, after November 2019, Respondent was conducting monthly checks.

93. Respondent's failure to document emergency response containment system daily

inspections of its blowdown tank system violates 35 Ill. Adm. Code § 725.295(g).

Complainant's Count 7: Failure to Maintain Documentation for Waste

Determinations

94. Complainant incorporates paragraphs 1 through 47 of this CAFO as though set forth in this paragraph.

95. 35 Ill. Adm. Code § 722.140(c) requires a generator to keep records of any test results, waste analyses, or other determinations made in accordance with 35 Ill. Adm. Code § 722.111 for at least three years from the date the waste was last sent to an on-site or off-site TSDF.

96. At the time of the inspection, Respondent did not provide copies of its waste determinations for hazardous waste shipped offsite from the Building 23 blowdown tanks for the previous three years.

97. Respondent's failure to provide waste determinations for the Building 23 blowdown tanks for three years from the date the waste was last sent off-site to a TSDF violated 35 Ill. Adm. Code § 722.140(c).

Civil Penalty

98. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$125,900. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

99. Respondent agrees to pay a civil penalty in the amount of **\$125,900** ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is

filed with the Regional Hearing Clerk (“Filing Date”). Respondent shall pay the penalty using any method, or combination of appropriate methods, as provided on the U.S. EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

100. Respondent must send a notice of payment that states Respondent’s name and the case docket number to EPA at the following e-mail addresses when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Dan Martinez
Land Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
martinez.daniel@epa.gov and
R5LEECAB@epa.gov

Robert L. Thompson
Office of Regional Counsel
U.S. EPA, Region 5
thompson.robertl@epa.gov

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

102. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action.

The

validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

103. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

104. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, U.S. EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to Milton Wise at EPA's Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the effective date of this CAFO, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

General Provisions

105. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: thompson.robertl@epa.gov (for Complainant), and efunk@mmm.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

106. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in this CAFO.

107. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

108. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

109. Respondent certifies that it is complying fully with the statutory and regulatory provisions alleged violated in this CAFO.

110. This CAFO is a “final order” for purposes of 40 C.F.R. § 22.31, U.S. EPA’s RCRA Civil Penalty Policy, and U.S. EPA’s Hazardous Waste Civil Enforcement Response Policy (December 2003).

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


112. Each person signing this 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.

113. Each party agrees to bear its own costs and attorney’s fees in this action.

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

3M Chemical Operations LLC, Respondent

09/27/2024
Date


Mr. Eric Funk
Site Director | Chemical Operations
3M Chemical Operations LLC

United States Environmental Protection Agency, Complainant

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of:
3M Company
Docket No. RCRA-05-2024-0015

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.

Date

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5