



## **MinnesotaXL Permit No. 96-01**

**IS ISSUED TO**

**3M Company**

3M-Hutchinson Tape Manufacturing Plant  
915 Highway 22 South  
Hutchinson, McLeod County, MN, 55350-2927

This MinnesotaXL permit authorizes 3M Company (the permittee) to construct, modify and operate tape and coating manufacturing and related support activities on the property located west of the South Fork of the Crow River shown in Attachment 1 (the facility).

The permittee shall comply with all conditions of this permit. The facility may be modified or changed, but the facility as modified or changed shall comply with all conditions of this permit. The permittee shall apply for and obtain an amendment to this permit before beginning construction or operation of a change or modification, if the modification to or change at the facility would make the facility not comply with any condition of this permit. Terms used in this permit are as defined in MPCA statutes and rules unless otherwise defined in this permit.

This permit satisfies the permittee's obligation to obtain from the MPCA, for the facility as described above, an Air Emission Part 70 Permit under Minn. R. ch. 7007, a National Pollutant Discharge Elimination System/State Disposal System Permit for Storm Water Associated with Industrial Activity and with Construction Activity under Minn. R. ch. 7001, a Hazardous Waste Generator's License under Minn. R. 7045.0225, a Hazardous Waste Feedstock Approval under Minn. R. 7045.0125, subp. 5, and a Liquid Storage Facility Permit under Minn. R. chs. 7001 and 7100. If a modification to or change at the facility: (1) would make the facility subject to the requirement to obtain a permit from the MPCA not listed in the prior sentence, or (2) would initiate activities at the facility not included in the facility description above, the permittee shall apply for and obtain either the appropriate MPCA permit or an amendment to this permit authorizing the modification or change, prior to beginning construction or operation of the modification or change, in accordance with MPCA statutes and rules.

Permit Type: MinnesotaXL permit  
Issue Date: \_\_\_\_\_, 1996

Expiration Date: January 1, 2007  
Request for Reissuance Due: July 1, 2006

---

David H. Senjem  
Chair  
Minnesota Emergency Response Commission

---

Charles W. Williams  
Commissioner  
Minnesota Pollution Control Agency

## Table of Contents

Section	Description	Page
I	Introduction	2
II	Environmental Release Limits and Requirements	3
III	Environmental Management System	5
IV	Other Requirements	7
V	General Conditions	9
Attachment 1	3M-Hutchinson Site Maps	
Attachment 2	Air Quality Compliance Determination	
Attachment 3	Environmental Management System Criteria	

### I. Introduction.

This is the first permit issued under the state and federal regulatory reform experiment known as "Project XL." Under Project XL, the MPCA has developed a simpler, less burdensome permit that is designed to achieve the following four broad goals:

- A. Achieve environmental performance that is superior to what would be achieved through compliance with current and reasonably anticipated future regulations;
- B. Promote increased operational and administrative flexibility to reduce costs;
- C. Encourage greater pollution prevention and other innovation efforts; and
- D. Facilitate increased stakeholder support with multi-stakeholder involvement in the design and implementation of XL permits.

In addition to this permit, there is a Final Project Agreement, entered into between the permittee, the MPCA and the U.S. Environmental Protection Agency (EPA), which includes the permittee's pollution prevention goals and the measurements being made to determine the success of this Project XL experiment. The MPCA has also developed a Technical Support Document that explains the basis for the air quality limits in this permit, and has issued Findings and an Order that explain the rationale for issuing the permit.

Any questions regarding Project XL can be directed to the MPCA Project XL Manager at (612)296-7731 or by FAX at (612)297-7709. Further information on Project XL is on the MPCA internet homepage at <http://www.pca.state.mn.us> or on the EPA internet homepage at <http://www.epa.gov/ProjectXL>.

## II. Environmental Release Limits and Requirements.

### A. Air Quality.

1. The permittee shall comply with the limits in the following tables. To determine compliance with these limits, the permittee shall calculate emissions and hazard indexes as required in Attachment 2.

<b>Table 1: Environmental Performance Beyond Current Regulations for Regulated Pollutants</b>	<b>Emission Limit (365 day rolling sum)</b>
Volatile Organic Compound (VOC) Emissions	4500 tons/year
Total Hazardous Air Pollutant (HAP) Emissions	3000 tons/year

<b>Table 2: Environmental Performance Beyond Current Regulations for Health Protection</b>	<b>Hazard Index Limit</b>
Chronic Chemical Release Limit for each toxicological endpoint	<1
Carcinogenic Chemical Release Limit	<1*
Acute Chemical Release Procedure	See section III

<b>Table 3: Environmental Performance Based on Current Regulations for Other Regulated Air Pollutants</b>	<b>Emission Limit (365 day rolling sum)</b>
Particulate Matter less than ten microns (PM10)	125 tons/year
Carbon Monoxide (CO)	117** tons/year
Sulfur Oxides (SO <sub>x</sub> )	1388** tons/year
Nitrogen Oxides (NO <sub>x</sub> )	460** tons/year

\*based on  $1 \times 10^{-5}$

\*\*Limit does not include emissions from air pollution control equipment.

2. The permittee shall install best available control technology on all sources that emit >100 tons per year of VOCs. The permittee shall control all new sources that emit >40 tons per year of VOCs.

3. The requirements of Minn. R. ch. 7007 (air emission permits, prevention of significant deterioration of air quality, and emission facility offsets) are varied by issuance of this permit, but only to the extent that they would otherwise apply to the permittee's construction, modification or operation of tape and coating manufacturing and related support activities at the facility.

4. Minn. R. 7011.0100-.0115 (visible emissions), Minn. R. 7011.0500-.0550 (indirect heating equipment), Minn. R. 7011.0565-.0570 (industrial-commercial-institutional steam generating units), Minn. R. 7011.0600-.0625 (direct heating equipment), Minn. R. 7011.0700-.0735 (industrial process equipment), Minn. R. 7011.1500-.1520 (liquid petroleum and volatile organic liquid storage vessels), Minn. R. 7011.2300 (stationary internal combustion engines), Minn. R. 7011.2350 (stationary gas turbines), Minn. R. 7011.2560 (pressure sensitive tape and label surface coating operations), Minn. R. 7011.2580 (surface coating of plastic parts for business machines), Minn. R. 7011.2850 (publication rotogravure printing), Minn. R. 7011.3100 (polymeric coating of supporting substrates facilities), Minn. R. 7011.3150 (flexible vinyl and urethane coating and printing), Minn. R. 7011.3450 (magnetic tape coating facilities), and Minn. R. 7019.0100-.2000 (notifications and reports) are varied by issuance of this permit. The requirements of this permit replace the requirements of these rules.

This permit establishes a site-specific Maximum Achievable Control Technology requirement for the facility, so Minn. R. 7011.7040-.7320 (incorporating certain national emission standards for hazardous air pollutants for source categories) are also varied by issuance of this permit.

### **B. Hazardous Waste Management and Storage.**

1. The permittee shall comply with the requirements of Minn. R. 7045.0205-.0305 (standards applicable to generators of hazardous waste), except that the 90 day accumulation requirement of Minn. R. 7045.0292, subp. 1(A) is varied to 180 days by issuance of this permit. These requirements govern: proper hazardous waste management; evaluation of wastes; generator licensing; hazardous waste manifesting; hazardous waste generation and storage; and reporting and recordkeeping.

2. The recordkeeping and reporting requirements of Minn. R. 7045.0125, subp. 5 (requirements for use of hazardous waste as feedstock) are varied by issuance of this permit for on-site reclamation of waste solvents.

3. The 50 foot set-back requirement of Minn. R. 7045.0626, subp. 7 is varied by issuance of this permit to allow the permittee to store ignitable and reactive hazardous waste in the staging/loading dock area located in Building 21 of the tape manufacturing plant, provided that the staging area complies with local fire and building codes regarding the storage of ignitable and reactive liquids.

4. The air emission standards in Minn. R. 7045.0647 (air emission standards for process vents) and 7045.0648 (air emission standards for equipment leaks) are varied by issuance of this permit. The permittee is not required to comply with the requirements of 40 CFR sections 265.1080-.1091 (air emission standards for tanks, surface impoundments and containers), and its state counterpart rule. Air emissions from hazardous waste storage tank systems shall be included in the permittee's calculation of emissions under section II.A above.

5. The requirements for hazardous waste tank systems in Minn. R. 7045.0628, subp. 9 (closure and post closure care) are varied by issuance of this permit until the time that the hazardous waste tank systems are permanently taken out of service.

### **C. Water Quality.**

1. The permittee is authorized to construct, install and operate a wastewater disposal system at the facility, and to directly discharge storm water from the facility to the South Fork of the Crow River. The permittee shall implement Best Management Practices to prevent sediment and other potential pollutants from entering the river and other waters of the state due to construction or industrial activities at the facility.

2. This permit does not authorize the following activities at the facility:

- a. The direct discharge to storm sewers, ditches, the South Fork of the Crow River, or to other waters of the state, of non-storm water, including but not limited to sewage, wash water, scrubber water, spills, oil, hazardous substances and equipment/vehicle cleaning and maintenance wastewaters.
- b. The land application, disposal or treatment of non-storm wastewater.

- c. The routing to a publicly owned treatment works of a wastewater flow regulated by the National Categorical Pretreatment Standards in 40 CFR parts 400-471 (effluent guidelines and standards).
- d. The remediation of contaminated ground water that results in a direct discharge.

3. The permittee shall not cause the water quality standards of Minn. R. chs. 7050 and 7060 to be exceeded in waters of the state, including the South Fork of the Crow River, and shall:

- a. Operate and maintain the facility and control runoff, including storm water, to prevent exceeding these standards;
- b. Limit and control the use of materials, including but not limited to detergents, cleaning agents, solvents, chemical dust suppressants, lubricants, fuels, oils and fertilizers, when this use may cause these standards to be exceeded; and
- c. Dispose of solids, sediments, sludges, filter backwash, screenings, oil, grease and other substances so that pollutants do not enter the surface or ground waters of the state.

4. Notwithstanding the absence in this permit of an effluent limitation for any toxic pollutant, the permittee shall not discharge a toxic pollutant into water except according to 40 CFR parts 400 to 471 (effluent guidelines and standards), Minn. R. 7050.0110-.0220 (standards for protection of water quality and purity) and any other applicable MPCA water quality rules.

### **III. Environmental Management System.**

#### **A. Development, Implementation and Audit of Environmental Management System.**

1. The permittee shall develop, operate, implement and update an Environmental Management System (EMS) for the facility. The permittee shall notify the MPCA when the EMS is completed. The EMS shall be available for MPCA review at the facility and the permittee shall consult with the MPCA throughout the term of this permit on the operation and improvement of the EMS.

2. The EMS shall be a comprehensive set of environmental practices and processes designed to assure compliance and to track and improve environmental performance at the facility, and shall include practices and procedures to:

- a. assure that the requirements of this permit are met by the permittee;
- b. identify and evaluate regulatory and company policy requirements affecting operations;
- c. maintain a system to define goals and the assignment of responsibilities;
- d. document operating procedures which achieve and maintain compliance;
- e. verify performance and identify opportunities for improvement;
- f. assure that information on plant emissions is provided to the community;
- g. assure that the material handling, incident and emergency response and training procedures at the facility are similar to MPCA procedures and updated regularly;
- h. measure wastes generated and released to the environment and establish targets and objectives to reduce wastes and meet or exceed environmental performance expectations;
- i. determine best available control technology for VOC air emission sources;
- j. maintain and retain at the facility the records required by this permit (including compliance information for the life of the permit); and
- k. ensure proper operation and maintenance of facilities and systems for treatment and control of pollution.

3. The permittee shall operate and maintain the facility consistent with the EMS.

4. The permittee shall conduct an annual internal audit of the EMS each year, except in 1998, 2001 and 2005. In 1998, 2001 and 2005, the permittee shall submit to the MPCA by November 1 a summary of the results of an audit conducted by an independent third party auditor qualified to conduct an EMS audit. All audits shall address the EMS criteria in Attachment 3.

**B. Transition to Environmental Management System.** Until it obtains approval under section C of the relevant segment of the EMS for the following requirements, the permittee shall comply with the following requirements:

1. The permittee shall operate no more than five coaters without control at the same time. The EMS segment that replaces this requirement shall define an acceptable acute chemical release procedure, that may incorporate the principles of a stochastic probability analysis, to define the probability of an unacceptable acute exposure (no greater than  $1 \times 10^{-4}$ ), or an expected occurrence of less than one hour per year per duration. For any production scenario which would present an unacceptable acute exposure risk, the EMS will identify the operational procedures necessary to prevent such an occurrence.

2. The permittee shall comply with the requirements in the Liquid Storage General Permit for Aboveground Tanks Storing a Liquid Substance dated November 1, 1995 and the requirements of Minn. R. 7100.0010-.0090 (storage or keeping of oil and other liquid substances). If the MPCA has not approved the permittee's EMS segment addressing these requirements by July 1, 1997, the MPCA may require the permittee to perform a tank-by-tank analysis to determine whether there are adequate safeguards of tank systems at the facility.

3. The permittee shall comply with the industrial Stormwater Pollution Prevention Plan for the facility dated November 1993, as amended, and with the requirements in the Construction Storm Water General Permit No. MN R100000, dated September 3, 1993.

4. The permittee shall comply with the plan content and timing and progress report requirements of Minn. Stat. sections 115D.07 and 115D.08, and with the plan content and timing requirements of Minn. Stat. sections 115E.04 and 115E.045.

5. The permittee shall comply with the following rules:

- a. the monitoring and testing requirements of Minn. R. ch. 7017;
- b. the hazardous waste tank and container requirements of Minn. R. 7045.0292, subpart 1(B);
- c. the hazardous waste generator license renewal application requirements of Minn. R. 7045.0248;
- d. the biennial hazardous waste reporting requirements of 40 CFR 262.41;
- e. the due dates for submission of fees under Minn. R. 7002.0065 (fees due 60 days after invoice), Minn. R. 7002.0270 (fees due 30 days after invoice), 7046.0031, subp. 6 (fees due within 50 days of notice that fees are due), and Minn. R. 7507.0500 (June 1);
- f. the accidental release prevention program requirements of 40 CFR pt. 68 (if applicable);
- g. the personnel training requirements of Minn. R. 7045.0558;
- h. the requirements of Minn. R. 7045.0566-.0576 (preparedness and prevention, emergency arrangements, contingency planning, emergency procedures and post emergency requirements);
- i. the inventory and MSDS reporting requirements of 40 CFR part 370;

- j. the notification requirements for storage of extremely hazardous substances of 40 CFR pt. 355; and
- k. the emergency planning requirements of 40 CFR pt. 112.

### **C. Procedure for MPCA Approval of Segments of the Environmental Management System.**

1. The relevant rule(s) or other requirements in section B that an EMS segment addresses are varied and replaced by the EMS requirements, once the EMS requirements have been approved by the MPCA. The MPCA shall approve the EMS segment submitted by the permittee if the MPCA finds that it provides a satisfactory alternative to accomplish the goal of the relevant requirement(s) listed in section B. If the MPCA has reviewed prior drafts of an EMS segment before the permittee has submitted it for formal MPCA approval, and has not approved or disapproved the EMS segment within 30 days after the permittee has formally submitted it for MPCA approval, the EMS segment is approved. EMS segments addressing requirements under the authority of the Emergency Response Commission (ERC) require approval by the ERC as well as the MPCA using the procedure in this paragraph.

2. In the event of a future change in the rules or adoption of new rules covering subjects listed in section B above, the MPCA may ask the permittee to evaluate the rule change and, within 60 days of the MPCA's request, the permittee shall report to the MPCA whether the EMS needs to be adjusted to address the change. The permittee shall adjust the EMS where needed to address the rule change.

## **IV. Other Requirements.**

**A. Environmental Review.** The permittee shall complete environmental review of any activity prior to beginning construction or operation of the activity at the facility if environmental review is required under Minn. R. ch. 4410, except that the permittee is authorized to increase emissions of air pollutants by greater than 100 tons per year as long as the permit is not amended to allow emissions from the facility to increase 100 tons or more than the limit for each pollutant established in section II.A. The emission limits established in section II.A have already undergone environmental review pursuant to Minn. R. 4410.4300, subp. 15 and a negative declaration was issued on \_\_\_\_\_, 1996.

**B. Air Quality Regulatory Limitation Analysis.** The permittee and the MPCA shall complete an air quality regulatory analysis report to compare the pollutant limits in section II.A.1, Tables 1 and 3 to state and federal regulatory requirements at the time of the analysis. The regulatory analysis report shall be completed on each of the following dates: November 1, 1998; November 1, 2001 and November 1, 2005. The regulatory analysis shall establish what the allowable emissions of each pollutant would be on a facility-wide basis under state and federal regulations at the time of the analysis. The regulatory analysis shall be performed for each unit for major emissions units, but units may be grouped for smaller emission units (e.g., tanks and mixers). At the time each of these analyses are completed, the MPCA will decide whether it needs to amend this permit to keep the pollutant limits at or below state and federal regulatory requirements.

**C. Reports and Notifications.**

1. The permittee shall submit a quarterly written report of actual air emissions of total HAPs, VOC, PM10, CO, NO<sub>x</sub>, and SO<sub>x</sub> to the MPCA within 60 days of the end of each calendar quarter. After each calendar year, the permittee shall follow the applicable reporting frequency for the next year:

- a. If annualized actual emissions of total HAPs, VOC, PM10, CO, NO<sub>x</sub>, and SO<sub>x</sub> are above the 1995 baseline actual emissions, then the permittee shall continue to submit quarterly reports.
- b. If annualized actual emissions of total HAPs, VOC, PM10, CO, NO<sub>x</sub>, and SO<sub>x</sub> are equal to or below the 1995 baseline actual emissions, then the permittee shall submit semi-annual reports within 60 days of the end of each half year.
- c. If annualized actual emissions of total HAPs, VOC, PM10, CO, NO<sub>x</sub>, and SO<sub>x</sub> are below 50% of the 1995 baseline actual emissions, then the permittee shall submit an annual report within 60 days of the end of the year.

2. The permittee shall submit a quarterly written report listing the chemicals emitted into the air and the amount of each chemical emitted to the MPCA within 60 days of the end of each calendar quarter. If the permittee has emitted into the air no new chemicals, and if there has been no increase in the amount of any chemical emitted, in one quarter compared to the previous quarter, the permittee need not submit a report for that quarter. Attachment 2, section 9 identifies the chemicals for which this report is required.

3. The permittee shall submit a written report to the MPCA of the annual emissions of CO, NO<sub>x</sub> and SO<sub>x</sub> from fuel burning in air pollution control equipment, within 60 days of the end of each year.

4. The permittee shall report in writing to the MPCA any deviation, exceedance or violation of a permit condition, or an applicable rule or statute, within 5 days of discovery.

5. The permittee shall comply with the water quality notification requirements of Minn. R. 7001.1090, subp. 2(A) (immediate notification of a water discharge of a toxic pollutant).

6. Within 24 hours of becoming aware of a permit, rule or statute violation that may endanger human health, public drinking water supplies or the environment, the permittee shall notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (612)649-5451. Within 5 days of this notification, the permittee shall submit a written report to the MPCA that describes the violation and its duration, and the steps the permittee will take to prevent a recurrence.

7. Emissions or discharges in compliance with this permit are federally permitted releases for purposes of release reporting under section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act and section 304 of the Emergency Planning and Community Right-To-Know Act.

**D. MPCA Fees.** The permittee shall pay the same fees it would have had to pay if it had obtained the permits that this permit replaces. The emission inventory requirements of Minn. R. ch. 7019 are varied by issuance of this permit and the permittee's emission inventory will instead be the calculation of actual annual emissions under Attachment 2.

**E. Amendment of the Permit.** Either of the following constitute justification for the MPCA to amend this permit:

1. The MPCA receives information previously unavailable to the MPCA that shows that the conditions of the permit do not accurately represent the actual circumstances relating to the facility.

2. The MPCA finds that the facility endangers human health or the environment and that a change in the operation of the facility would remove the danger to human health or the environment.

**F. Continuation of Permit Pending MPCA Review of Request for Reissuance.** If the permittee has submitted to the MPCA a timely written request for permit reissuance, the permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the request, unless the MPCA determines that any of the following are true:

1. The permittee is not in substantial compliance with the requirements of this permit, nor with a stipulation agreement or schedule of compliance designed to bring the permittee into compliance with this permit.

2. The MPCA, as a result of an action or failure to act of the permittee, has been unable to take final action on the request on or before the permit expiration date.

3. The permittee has failed to submit, by the deadline specified in writing by the MPCA, any additional information identified as being needed to process the request for reissuance.

## **V. General Conditions.**

1 The MPCA's issuance of this permit does not: a) release the permittee from any liability, penalty, or requirement imposed by Minnesota or federal statutes or rules or local ordinances, unless varied in or otherwise expressly relieved of compliance by this permit, except the obligation to obtain the permit; b) prevent future adoption of pollution control rules more stringent than those now in effect and, except as expressly varied or provided in this permit, does not prevent the enforcement of these future rules against the permittee; and c) obligate the MPCA to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes.

2. Any noncompliance with the conditions of this permit is a violation of state and federal law, enforceable in any manner provided by state and federal law. It is not a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. The permittee's submission of a request to amend or revoke this permit, or a notification of anticipated noncompliance, does not stay any permit condition.

3. If the permittee discovers, through any means, including notification by the MPCA, that noncompliance with a condition of the permit has occurred, the permittee shall immediately take all reasonable steps to minimize the adverse impact on human health, public drinking water supplies or the environment resulting from the noncompliance.

4. The permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be maintained or submitted to the

MPCA by the permit. The permittee shall immediately upon discovery report to the MPCA an error or omission in these records, reports, plans, or other documents. The permittee may not falsify, tamper with, render inaccurate, or fail to install any monitoring device or method required to be maintained or followed by this permit.

5. The permittee shall, when requested by the MPCA, submit within a reasonable time any information and reports relevant to pollution, to the conduct of the activity covered by this permit, to determining compliance with this permit, or to determining whether to amend or revoke this permit.

6. The permittee shall maintain at the facility the records required by this permit and applicable state and federal rules, shall make these records available for examination and copying upon request of the MPCA, and shall upon request submit these records to the MPCA within a reasonable time specified by the MPCA in the request. The permittee may store the records in an electronic format.

7. When authorized by Minnesota Statutes, sections 115.04; 115B.17, subdivision 4; and 116.091, and upon presentation of proper credentials, the MPCA, or an authorized employee or agent of the MPCA, shall be allowed by the permittee to enter at reasonable times upon the property of the permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit.

8. This permit is not transferable to any person. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat. section 3.736.

10. The provisions of this permit are severable. If a provision of this permit, or the application of a provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected.

11. The requirements of Minn. R. 7001.0150, subp. 1 and Minn. R. 7007.1050, subp. 1 (term of permit) are varied by issuance of this permit. The general permit conditions required by Minn. R. 7001.0150, subp. 3 (general conditions for all MPCA permits), Minn. R. 7001.1090, subp. 1 and subp. 2(B) (general conditions for National Pollutant Discharge Elimination System permits), and Minn. R. 7007.0800, subp. 16 (general conditions for Part 70 air emission permits) are varied by issuance of this permit and replaced by the requirements of this permit.