



January 9, 2024

Sent Electronically/Certified Mail
PWS ID# 73706919
Marathon County

3M Company
Corporation Service Company, Registered Agent
8040 Excelsior Drive, Suite 400
Madison, WI 53717

Subject: **NOTICE OF VIOLATION AND ENFORCEMENT CONFERENCE**

Dear 3M Company:

The Department of Natural Resources (department) has reason to believe 3M Company (3M) is in violation of Wisconsin's safe drinking water laws at the non-transient non-community public water system serving 3M Co Greystone Plant located at 410 Decator Drive, Wausau, Marathon County, Wisconsin. This violation is based on compliance sample results reported to the department.

As defined in s. NR 809.04(58), Wisconsin Administrative Code (Wis. Adm. Code), "non-transient non-community water system" means a non-community water system that regularly serves at least 25 of the same persons over 6 months per year.

The department alleges the following violation:

Section NR 809.20(1), Wis. Adm. Code: The maximum contaminant level (MCL) for PFOS and PFOA combined is 0.000070 mg/L. The MCLs for synthetic organic contaminants apply to non-transient non-community water systems.

- A compliance sample collected from the entry point of Wisconsin Unique Well Number (WUWN) YV159 on September 29, 2023 had a result of 0.000520 mg/L for PFOA and PFAS combined.
- For public water systems which are conducting monitoring more frequently than annual, compliance is determined by a running annual average (RAA) of all samples taken at each entry point. If the initial sample would cause the annual average to be exceeded, the public water system is out of compliance immediately per s. NR 809.207(1)(b), Wis. Adm. Code.
- 3M's RAA for PFOA and PFOS combined is 0.000130 mg/L, which causes an immediate exceedance of the MCL.

Public Notification

3M gave public notice of the exceedance for WUWN YV159 on October 24, 2023.



Enforcement Conference and Next Steps

We have scheduled the following Enforcement Conference to discuss the violation and your plan for corrective action in more detail.

Conference Date: **February 1, 2024**

Conference Time: **9:00 AM**

Location: **Via Teams or Conference Call** (Your Preference)

Telephone #: 608-571-2209/Conference ID #: 464 236 678#

Please note that this is a teleconference at **9:00 am**; you can either connect via the link provided in your meeting invitation or call the telephone number listed above. When prompted, enter the conference ID #. This will connect you to the Enforcement Conference.

We request you attend the Enforcement Conference as it is an important opportunity to discuss the circumstances surrounding the alleged violation and to learn your perspective on this matter. Please note that, to encourage a candid and productive conversation, attendance is limited to you, your legal counsel and others with the technical expertise necessary to understand, evaluate and correct the violation. Please come prepared to discuss potential corrective actions and timelines for returning to compliance.

The department's enforcement decision will be based upon available information if you do not attend the Enforcement Conference.

Please note, violations of ch. NR 809, Wis. Adm. Code are enforced through ss. 281.98, 299.95 and 299.97, Wis. Stats. and may be referred to the Department of Justice to obtain court ordered compliance and penalties of up to \$5,000 for each day of violation. The department is also authorized to issue an order with penalty that includes forfeitures of up to \$500 per day of violation.

If you have questions or would like to reschedule the Enforcement Conference, please contact me at (715) 215-2669 or via email at Emily.Pedersen@Wisconsin.gov.

Sincerely,



Emily Pedersen
Environmental Enforcement Specialist
Investigations & Environmental Enforcement
Division of Public Safety and Resource Protection

Enclosed: Environmental Enforcement Conference Handout

CC: Sarah Hughes
Kyle Burton
Beth Goldowitz
Molly McNab
Lacey Hillman
Mario Diaz, 3M-mdiaz@mmm.com
Mark Meurette, 3M-mmeurette@mmm.com
Gina Cyprych, 3M-gcyprych@mmm.com



Environmental Enforcement Conference

An Enforcement Conference (EC) is a meeting between Department of Natural Resources (Department) staff and representatives of a person or business that the Department believes has violated an environmental law. The Department issues a Notice of Violation (NOV) when it has reason to believe that a violation of a permit condition, administrative rule or statutory requirement has occurred. The NOV either offers or schedules an EC.

Why Should I Attend?

The EC is an important opportunity to discuss the Department's basis for the alleged violation(s) and learn more about what happened, why it may have happened, and any factors you believe the Department should consider, such as steps that have been or will be taken to stop the violation, correct any effects of the violation, and prevent violations from occurring in the future. It is also your opportunity to explain why you might disagree with the factual and legal conclusions underlying the NOV.

Historic data shows that most violations are resolved at the EC level, without the need for court ordered compliance and/or penalties. In situations where the significance of the violation warrants further enforcement action, your cooperative efforts to resolve the violation and prevent future violations will help minimize your legal and financial liability.

Who Should Attend the EC?

Department staff involved in the EC typically consists of an Environmental Enforcement Specialist and regulatory staff that are familiar with the issues identified in the NOV.

While not required, you may seek representation by legal counsel or the assistance of an environmental consultant to prepare for and/or attend the EC. The EC is most productive when all involved are well-prepared to discuss the allegations and any corrective actions that may be necessary.

To ensure a productive candid discussion, participation in the EC is limited to the person or business involved and others with the legal or technical expertise necessary to understand, evaluate, mitigate and correct the violation. The EC is not an open meeting under state law and the Department will limit participation to those directly involved in the resolution of the matter.

What Happens if I don't Attend the EC?

If a party is unable to attend the EC, they should immediately contact the Environmental Enforcement Specialist at the phone number in the NOV to reschedule. When a party refuses to attend the EC and provides no further information to the Department, the Department's enforcement decision will be based upon available information.

What Happens Following the EC?

The EC is part of the Department's stepped enforcement process. At the EC, Department staff will explain the process and options available to address the alleged violation. Generally, the options range from closing the matter with no further action to referral to the Wisconsin Department of Justice (DOJ) or to U.S. EPA, for further enforcement action. In limited circumstances, the Department can issue citations, which are handled in local court similar to traffic offenses. If a case is referred to DOJ, the DOJ may initiate an action in court on behalf of the State. The State typically asks the Court to impose financial penalties and order completion of any necessary corrective actions. In most of the Department's cases, a cooperative return to compliance with any necessary restoration results in close out of the case. At close out, the Department will send a letter advising of no further enforcement action.